

**EXHIBIT 2**  
**Excerpts from**  
**Ashley Lif**  
**Deposition, Vol.**  
**II, 4/4/19**

Officer Ashley Lif ~ April 4, 2019  
\* \* \* Videotaped Deposition \* \* \*

Page 1

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3  
4  
5 TRINITA FARMER, individually, )  
6 Plaintiff, ) Case No.  
7 vs. ) 2:18-cv-00860-GMN-VCF  
8 LAS VEGAS METROPOLITAN POLICE )  
9 DEPARTMENT, a subdivision of )  
10 the STATE OF NEVADA; KENNETH )  
11 LOPERA, individually; TRAVIS )  
12 CRUMRINE, individually; )  
13 MICHAEL TRAN, individually; )  
14 MICHAEL FLORES, individually, )  
15 Defendants. )  
16 \_\_\_\_\_ )  
17

**CONDENSED  
TRANSCRIPT**

18 VIDEOTAPED DEPOSITION OF OFFICER ASHLEY LIF  
19 Taken on Thursday, April 4, 2019  
20 At 10:07 a.m.  
21 3005 West Horizon Ridge Parkway  
22 Suite 241  
23 Henderson, Nevada  
24  
25 Reported by: Cynthia K. DuRivage, CCR No. 451

Officer Ashley Lif ~ April 4, 2019  
\* \* \* Videotaped Deposition \* \* \*

3 (Pages 6 to 9)

Page 6	Page 8
<p>1 Q. All right. You understand you're under 2 oath today? 3 A. Yes. 4 Q. And it's very important that you understand 5 all the questions today. If you don't understand a 6 question, please let me know, I'll be happy to 7 rephrase. 8 A. Yes. 9 Q. We have a videographer here today, but the 10 official record is that of the court reporter. 11 Excuse me. It's very difficult for the court 12 reporter to take down two people talking at once, so 13 I'd ask that you allow me to finish my questions, and 14 I'll try my best to allow you to finish your answers. 15 Is that right? 16 A. Yes. 17 Q. If at some point, I say is that a "Yes" or 18 is that a "No," I'm not trying to be rude, I'm just 19 trying to make sure that we have a clear record. 20 Okay? 21 A. Yes. 22 Q. All right. Do you know the difference 23 between an estimate and a guess? 24 A. No. 25 Q. Okay. Sometimes it's different in real</p>	<p>1 Q. When were you hired? 2 A. July of 2015. 3 Q. Were you in the military? 4 A. Yes. 5 Q. Are you still in the military? 6 A. Yes. 7 Q. Are you on a Reserve status? 8 A. Yes. 9 Q. Thank you for your service. 10 When did you first join the military? 11 A. I believe it was August 2013. 12 Q. And what branch? 13 A. Army Reserve. 14 Q. Can you briefly tell me the extent of your 15 education. 16 A. I have a Bachelor's in criminal intel from 17 Mercer Hearst University in Erie, Pennsylvania, and I 18 have a Master's in intelligence analysis in 19 terrorism. 20 Q. From the same university? 21 A. From American Military University. It's a 22 public university. 23 Q. Where are you from originally? 24 A. Cheyenne, Wyoming. 25 Q. When did you move to Las Vegas?</p>
Page 7	Page 9
<p>1 life, as it is in, I guess, the deposition world, but 2 you know, if I asked you to give me an estimate of 3 the length of this table, you could tell me; but if I 4 asked you to tell me how long my desk was in my 5 office, you haven't been in there, so you'd be 6 guessing. 7 So you're allowed to estimate, we just 8 don't want you to guess today. Okay? 9 A. Yes. 10 Q. At the conclusion of this deposition, 11 you'll have an opportunity to review your testimony 12 and make any changes. 13 It is very common for people to make 14 changes to spelling and things of a minor nature, but 15 if you make a change to an important question and 16 answer, we'll have an opportunity to comment on your 17 credibility at time of trial. 18 Do you understand? 19 A. Yes. 20 Q. Do you have any questions for me before we 21 begin? 22 A. No. 23 Q. What is your current occupation? 24 A. Police officer with Las Vegas Metropolitan 25 Police Department.</p>	<p>1 A. 2005. 2 Q. And what brought you to Vegas? 3 A. I ran track at UNLV. I never graduated 4 from there, though. 5 Q. Have you ever run cross country? 6 A. Yes. 7 Q. Were you involved in an incident with 8 Kenneth Lopera on or about May 14th, 2017 and Tashii 9 Farmer? 10 A. Yes. 11 Q. Do you remember giving a couple statements 12 in this case? 13 A. Yes. 14 Q. What was the first statement that you gave? 15 A. I believe it was that night as a witness 16 officer for FIT. 17 Q. And what is your understanding of what FIT 18 is? 19 A. It's an acronym for the force investigation 20 team, to my understanding. It's the branch of, I 21 believe, the office of internal oversight that 22 oversees like a criminal, I guess, aspect. 23 Q. Do you remember where you gave the 24 statement? 25 A. I believe it was just outside of the</p>

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

4 (Pages 10 to 13)

Page 10	Page 12
<p>1 Venetian.</p> <p>2 Q. And were you in a vehicle?</p> <p>3 A. Yes.</p> <p>4 Q. And what kind of a vehicle were you in?</p> <p>5 A. I don't know. I cannot recall.</p> <p>6 Q. Was it your vehicle or somebody else's?</p> <p>7 A. It was, I believe, an undercover. It</p> <p>8 wasn't a marked car. I'm not sure whose vehicle it</p> <p>9 was.</p> <p>10 Q. All right. And who was in the vehicle with</p> <p>11 you?</p> <p>12 A. I remember my union rep, Bryan Yant. I</p> <p>13 cannot remember the detective.</p> <p>14 Q. Does Detective Jex ring a bell?</p> <p>15 A. Possibly. I cannot recall.</p> <p>16 Q. Were you in the back seat?</p> <p>17 A. I was in the front seat.</p> <p>18 Q. And where was the detective?</p> <p>19 A. He was in the driver's seat.</p> <p>20 Q. And then Detective Yant?</p> <p>21 A. Back seat.</p> <p>22 Q. Do you recall when you first saw Bryan Yant</p> <p>23 at the scene?</p> <p>24 A. I cannot recall. I believe it was</p> <p>25 somewhere outside of that car. It was the first time</p>	<p>1 Q. And was that after you gave your statement?</p> <p>2 A. Yes.</p> <p>3 Q. Have you ever given a FIT statement on any</p> <p>4 other occasion?</p> <p>5 A. For the October 1st shooting.</p> <p>6 Q. I understand you got an award for that as</p> <p>7 well --</p> <p>8 A. Yes.</p> <p>9 Q. -- is that correct?</p> <p>10 A. (No audible response.)</p> <p>11 Q. How long had you been Kenneth Lopera's</p> <p>12 partner at the time of the incident?</p> <p>13 A. I'd say a few months. Earlier in 2017, I</p> <p>14 was gone for military training. I can't remember, I</p> <p>15 think I came back somewhere around April. I don't</p> <p>16 remember the exact date. So not too long. A couple</p> <p>17 weeks, months. To be exact, I don't know.</p> <p>18 Q. If you could give an estimate as to how</p> <p>19 many times you partnered up with him, like how many</p> <p>20 nights before this incident.</p> <p>21 A. Maybe 10. Confidently, I'm not a hundred</p> <p>22 percent sure.</p> <p>23 Q. I saw somewhere in a statement that you</p> <p>24 usually partner up with him on like Fridays and</p> <p>25 Saturdays.</p>
Page 11	Page 13
<p>1 I've met him, first time I've seen him.</p> <p>2 Q. And how did you come to learn that he would</p> <p>3 be your union rep?</p> <p>4 A. He had the PPA shirt on, and I believe he</p> <p>5 said that he was going to be my rep. I can't recall</p> <p>6 exact.</p> <p>7 Q. Okay. Was he selected for you, to your</p> <p>8 knowledge?</p> <p>9 A. To my knowledge, yes.</p> <p>10 Q. And do you know who selected him for you?</p> <p>11 A. I have no idea.</p> <p>12 Q. Do you remember approximately what time the</p> <p>13 incident with Mr. Farmer took place?</p> <p>14 A. I want to say somewhere after midnight.</p> <p>15 Q. The records we show, we understand it's</p> <p>16 probably just an estimate, says about 12:56.</p> <p>17 Does that sound about accurate to you?</p> <p>18 A. On or about, yeah.</p> <p>19 Q. And then, it looks like you gave a</p> <p>20 statement at about 4:25.</p> <p>21 Does that sound about right, fours hours</p> <p>22 later?</p> <p>23 A. Didn't feel like that long, but...</p> <p>24 Q. Did you ever leave the scene?</p> <p>25 A. When I was released at the end of the day.</p>	<p>1 Is that accurate?</p> <p>2 A. Yes. We would change partners around a</p> <p>3 lot, so even though we would be consistent partners,</p> <p>4 it wasn't always steadfast that he and I were going</p> <p>5 to be together, but predominantly, he and I were</p> <p>6 partnered.</p> <p>7 Q. And what unit were you on together or</p> <p>8 squad?</p> <p>9 A. Oh, it was a flex squad.</p> <p>10 Q. Can you describe what a flex squad is?</p> <p>11 A. It's a squad that can augment patrol and</p> <p>12 still help with detectives. Mostly a proactive</p> <p>13 squad. Handled little to no calls for service.</p> <p>14 Q. Would you ride around in a vehicle with</p> <p>15 him?</p> <p>16 A. Yes.</p> <p>17 Q. Was most of your time riding around in a</p> <p>18 vehicle or walking around?</p> <p>19 A. I'd say mostly vehicle unless it was on a</p> <p>20 Friday or Saturday night on Safe Strip nights. It</p> <p>21 was an instruct duty foot patrol.</p> <p>22 Q. And how long were your shifts when you</p> <p>23 would work with him?</p> <p>24 A. Our shifts would start at 20:00 hours and</p> <p>25 end at 06. So give or take, 10 hours.</p>

All-American Court Reporters (702) 240-4393

www.aacrlv.com

## Officer Ashley Lif ~ April 4, 2019

## \* \* \* Videotaped Deposition \* \* \*

5 (Pages 14 to 17)

Page 14	Page 16
<p>1 Q. So I'm assuming during those shifts, you'd</p> <p>2 have an opportunity to talk with him?</p> <p>3 A. Yes.</p> <p>4 Q. And during those shifts, are you used to</p> <p>5 arresting people all the time?</p> <p>6 A. Not all the time.</p> <p>7 Q. What is a typical shift?</p> <p>8 A. Being proactive, I would say stopping</p> <p>9 people were in, you know, violation of Strip corridor</p> <p>10 laws, for example, maybe like a glass bottle.</p> <p>11 Specifically an arrest that he and I did, I</p> <p>12 can't remember. I remember we had one DUI, but to</p> <p>13 the details of that, I'm not sure.</p> <p>14 Q. Did you get to know him as a person when</p> <p>15 you worked with him?</p> <p>16 A. Yes, but a lot of it was mostly business.</p> <p>17 Even though he and I were friends while we were at</p> <p>18 work, we never associated with each other outside of</p> <p>19 work.</p> <p>20 Q. Did he talk about what he liked to do in</p> <p>21 his spare time?</p> <p>22 A. I can't recall. I know that he was very</p> <p>23 involved with his family, and I believe he had two</p> <p>24 boys and a wife. And we talked a lot about military,</p> <p>25 like his prior experience, and since he was out and I</p>	<p>1 Q. Were you aware that he competed?</p> <p>2 MR. McNUTT: Objection, form.</p> <p>3 BY MR. LAGOMARSINO:</p> <p>4 Q. You can answer. Yeah.</p> <p>5 A. Now that you mention, I remember him saying</p> <p>6 that he did have one competition. I don't know what</p> <p>7 results of that were.</p> <p>8 Q. And what is your understanding of his</p> <p>9 military service?</p> <p>10 A. I believe he was a scrolled Ranger. Never</p> <p>11 went through selection. I can't remember what group.</p> <p>12 I know he had at least one deployment. I</p> <p>13 can't remember where, if it was in Iraq or</p> <p>14 Afghanistan. I don't know what year or what his</p> <p>15 occupation was.</p> <p>16 Q. Now, you've mentioned that that was the</p> <p>17 first time that you met Bryan Yant, that night?</p> <p>18 A. Yes.</p> <p>19 Q. How many times have you spoken with Bryan</p> <p>20 Yant, either in person or --</p> <p>21 A. In person since then?</p> <p>22 Q. Yeah.</p> <p>23 A. In a formal set or just in casual passing?</p> <p>24 Q. Let's say formal.</p> <p>25 A. For formal?</p>
Page 15	Page 17
<p>1 was still in, you know, the Reserves.</p> <p>2 Anything beyond that personal, that's all I</p> <p>3 can recall. And him previously being a CO, but that</p> <p>4 was it.</p> <p>5 Q. Were you aware that he participated in</p> <p>6 jujitsu?</p> <p>7 MR. McNUTT: Objection, form, lacks</p> <p>8 foundation.</p> <p>9 BY MR. LAGOMARSINO:</p> <p>10 Q. So sorry, I didn't give you that</p> <p>11 instruction. From time to time, these lawyers over</p> <p>12 here may be objecting. They're not doing it</p> <p>13 presumably to be obstructive. There's not a judge</p> <p>14 here to rule on their objections, so if you</p> <p>15 understand the question, please answer the question</p> <p>16 after they have an opportunity to make the objection.</p> <p>17 A. Thanks.</p> <p>18 Q. Were you aware that he participated in</p> <p>19 jujitsu?</p> <p>20 A. Vaguely.</p> <p>21 MR. McNUTT: Same objection. Go ahead.</p> <p>22 BY MR. LAGOMARSINO:</p> <p>23 Q. You can answer.</p> <p>24 A. Vaguely. He and I didn't talk too much on</p> <p>25 it, but I believe that he was only like a white belt.</p>	<p>1 Q. Yes.</p> <p>2 A. Less than five.</p> <p>3 Q. And what were your interactions? Where did</p> <p>4 they take place?</p> <p>5 A. It was all revolving around this event. I</p> <p>6 remember he was my PPA rep for the CIRT interview.</p> <p>7 Q. And when you met with him, where would you</p> <p>8 meet with him?</p> <p>9 A. It was at headquarters.</p> <p>10 Q. Who else would be present besides the two</p> <p>11 of you?</p> <p>12 A. In the CIRT interview?</p> <p>13 Q. No, just when you met with him informally.</p> <p>14 A. The first time, I was with the FIT</p> <p>15 detective. The second time, I believe it was the</p> <p>16 CIRT interview, and that was with a PEAP rep, Mike</p> <p>17 Springer.</p> <p>18 And then, do you want the next few?</p> <p>19 Q. Yes, please.</p> <p>20 A. Okay. I believe the next time after that</p> <p>21 was the Tactical Review Board, which was at</p> <p>22 headquarters. He was not my rep at that point.</p> <p>23 And then, I can't recall specifics after</p> <p>24 that. That might actually be the only formal times</p> <p>25 that we've -- that we've met. Everything else was</p>



Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

6 (Pages 18 to 21)

Page 18	Page 20
<p>1 informal.</p> <p>2 Q. Okay. Informally, how would you meet him?</p> <p>3 A. Just in passing.</p> <p>4 Q. Like where would you pass him?</p> <p>5 A. At headquarters. Whether he was there to</p> <p>6 rep someone else or he was there for something that I</p> <p>7 wasn't aware of.</p> <p>8 Q. Did you ever associate with him outside of</p> <p>9 informal interactions at headquarters?</p> <p>10 A. Outside, not that I can recall. I remember</p> <p>11 before we went to the CIRT interview, we went to</p> <p>12 breakfast because I was nervous about that, and it</p> <p>13 was a way to calm me down, I guess. We went to eat</p> <p>14 prior.</p> <p>15 Q. Where did you guys go to eat?</p> <p>16 A. I can't remember. I don't know. I have no</p> <p>17 idea what it's called.</p> <p>18 Q. Why did he stop representing you at the</p> <p>19 Tactical Review Board?</p> <p>20 A. I felt like it was a conflict of interest</p> <p>21 because he was repping other people involved in the</p> <p>22 case. And so, I requested a separate rep.</p> <p>23 Q. Who became your new representative?</p> <p>24 A. Tyler Todd.</p> <p>25 MR. McNUTT: I'm sorry. What was that?</p>	<p>1 A. I believe it's 12 months.</p> <p>2 Q. So tell me about the contact. Did they</p> <p>3 say, hey, we're going to give you a contact and you</p> <p>4 should have initiated radio traffic, or is it --</p> <p>5 A. Yeah.</p> <p>6 Q. Is it formal, is it in writing?</p> <p>7 A. It was in writing. It's my understanding</p> <p>8 that a contact is not a formal, like an official form</p> <p>9 of discipline.</p> <p>10 I interpret it as discipline. It is a</p> <p>11 documented negative conversation that I had with my</p> <p>12 supervisor on what I should have done or what I could</p> <p>13 do better for, you know, next time.</p> <p>14 Q. The next time, okay.</p> <p>15 Do you have an understanding of what</p> <p>16 discipline was rendered in this case for any other</p> <p>17 individuals?</p> <p>18 A. To my understanding, that Tran and Flores</p> <p>19 had gotten a contact for their body camera.</p> <p>20 Sergeant Crumrine had lost his stripes.</p> <p>21 And then as far as what happened with</p> <p>22 Lopera, I believe he retired before any contact --</p> <p>23 or, any discipline was given by the department.</p> <p>24 Q. So it's your understanding that</p> <p>25 Officer Lopera was not disciplined, correct?</p>
Page 19	Page 21
<p>1 THE WITNESS: Tyler Todd.</p> <p>2 MR. McNUTT: Tyler Todd.</p> <p>3 BY MR. LAGOMARSINO:</p> <p>4 Q. What was the outcome -- strike that.</p> <p>5 Did you receive any discipline as a result</p> <p>6 of this incident?</p> <p>7 A. Yes.</p> <p>8 Q. What discipline did you receive?</p> <p>9 A. It was a form of a contact that I violated</p> <p>10 department policy, that I didn't give out radio</p> <p>11 traffic that my partner and I were separated.</p> <p>12 Q. Just the no radio traffic issue?</p> <p>13 A. Yeah.</p> <p>14 Q. Was there any discipline related to the</p> <p>15 body cams?</p> <p>16 A. No, not for me.</p> <p>17 Q. And when you say contact, what's that?</p> <p>18 A. A form of having, I guess, something</p> <p>19 tangible as something that my supervisor and I had a</p> <p>20 conversation about my shortcoming.</p> <p>21 Q. And at some point, is it your understanding</p> <p>22 that that contact gets removed from your file?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. How long after the contact was</p> <p>25 given?</p>	<p>1 MR. McNUTT: Objection to form.</p> <p>2 MR. ANDERSON: Objection, form.</p> <p>3 BY MR. LAGOMARSINO:</p> <p>4 Q. You can answer.</p> <p>5 MR. ANDERSON: Yeah.</p> <p>6 BY MR. LAGOMARSINO:</p> <p>7 Q. When they say, "form," they're saying they</p> <p>8 don't like the form of my question.</p> <p>9 A. Okay.</p> <p>10 MR. McNUTT: Which encompasses a variety of</p> <p>11 other objections.</p> <p>12 THE WITNESS: Because it confuses me.</p> <p>13 MR. McNUTT: But for simplicity, unless</p> <p>14 your lawyer tells you not to answer, once we make an</p> <p>15 objection, please answer his question.</p> <p>16 THE WITNESS: Okay. Just so I understand,</p> <p>17 you're asking if I know that he received any</p> <p>18 discipline?</p> <p>19 BY MR. LAGOMARSINO:</p> <p>20 Q. Correct.</p> <p>21 A. I believe he retired before any discipline</p> <p>22 could have been given.</p> <p>23 Q. Okay. And then, did he retire with his</p> <p>24 benefits intact, to your knowledge?</p> <p>25 MR. ANDERSON: Objection, form.</p>

All-American Court Reporters (702) 240-4393

www.aacrlv.com

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

7 (Pages 22 to 25)

Page 22	Page 24
<p>1 MR. McNUTT: Objection, form.</p> <p>2 MR. ANDERSON: Go ahead.</p> <p>3 THE WITNESS: I believe so because he was</p> <p>4 tenured from his CO experience he had, I think, five</p> <p>5 years on.</p> <p>6 BY MR. LAGOMARSINO:</p> <p>7 Q. Besides -- strike that.</p> <p>8 Other than this situation, have you ever</p> <p>9 received any discipline from Metro?</p> <p>10 A. Not that I can recall.</p> <p>11 Q. To your knowledge, had Officer Lopera ever</p> <p>12 been disciplined?</p> <p>13 A. Not that I know of.</p> <p>14 Q. Had he ever described any incidents as a CO</p> <p>15 where he had to utilize violence to subdue an inmate?</p> <p>16 MR. McNUTT: Objection, form --</p> <p>17 MR. ANDERSON: Objection as to form.</p> <p>18 MR. McNUTT: -- vague.</p> <p>19 MR. ANDERSON: Yeah.</p> <p>20 THE WITNESS: Do I still answer?</p> <p>21 MR. ANDERSON: Yeah, you can answer it.</p> <p>22 THE WITNESS: Not that I know of from when</p> <p>23 he was a CO.</p> <p>24 I remember him talking about doing an LVNR</p> <p>25 on someone. I wasn't there. I was still in</p>	<p>1 A. I don't know.</p> <p>2 Q. And just so we can get the timeline right</p> <p>3 with counsel, was he talking about this when he</p> <p>4 was -- I guess what general time period was he</p> <p>5 talking about this would have happened?</p> <p>6 A. This was many, many months prior to the</p> <p>7 incident that we're talking about today. We were</p> <p>8 still in training.</p> <p>9 Q. Okay.</p> <p>10 A. Still in the field training program.</p> <p>11 Q. Field training?</p> <p>12 A. Um-hum.</p> <p>13 Q. You were out of the academy?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Have you spoken to him since this</p> <p>16 incident?</p> <p>17 A. No.</p> <p>18 Q. Have you emailed or --</p> <p>19 A. No.</p> <p>20 Q. -- social media or anything like that?</p> <p>21 A. No.</p> <p>22 Q. I'm going to ask you some questions that</p> <p>23 have been already asked of you, but counsel here</p> <p>24 hasn't stipulated to using your deposition, so we</p> <p>25 have to go through them.</p>
Page 23	Page 25
<p>1 training. But he would just mention it in passing.</p> <p>2 That was the only thing. I don't know if any</p> <p>3 discipline came from that.</p> <p>4 BY MR. LAGOMARSINO:</p> <p>5 Q. So he had done an LVNR -- he had said to</p> <p>6 you in training he had done an LVNR to somebody at</p> <p>7 some point?</p> <p>8 A. Yes.</p> <p>9 Q. And you sat next to him in training; is</p> <p>10 that correct?</p> <p>11 A. Yes, based on our last names.</p> <p>12 Q. Okay. I guess if I would have gone through</p> <p>13 the academy, I would be around you guys too, but I</p> <p>14 don't know that I would have been accepted.</p> <p>15 A. It would have been fine.</p> <p>16 Q. Did he describe the general circumstances</p> <p>17 of that LVNR?</p> <p>18 A. Not that I can recall specifics. I</p> <p>19 remember him saying that he went into a house, I</p> <p>20 can't remember what kind of call it was, if it was</p> <p>21 another disturbance or domestic related, I'm not</p> <p>22 sure. I don't remember what area command or even</p> <p>23 when it was. But I recall him saying in order to</p> <p>24 subdue someone, that's what he had to do.</p> <p>25 Q. Was it like a domestic call or something?</p>	<p>1 MR. ANDERSON: Objection, form.</p> <p>2 BY MR. LAGOMARSINO:</p> <p>3 Q. So what were you wearing that evening?</p> <p>4 A. Department-issued uniform. It was like the</p> <p>5 ODI green BDU top and bottom, Metro police patches on</p> <p>6 both right and left shoulder with the zone badge area</p> <p>7 command that I worked in and my last name.</p> <p>8 My duty belt, I can go through that if you</p> <p>9 would like.</p> <p>10 Q. Yes, please.</p> <p>11 A. Okay. I believe -- let's go in a</p> <p>12 counter -- or, clockwise. My magazine pouch, my duty</p> <p>13 weapon. I believe my baton was right after that.</p> <p>14 Two sets of handcuffs on my back. I believe it was</p> <p>15 my OC spray, TASER, and flashlight. I believe that</p> <p>16 was the order that I had it that night. It's changed</p> <p>17 since then, so.</p> <p>18 Q. Did you have like a radio with a belt on?</p> <p>19 A. Yes, and a radio.</p> <p>20 Q. And what is a BDU?</p> <p>21 A. Acronym, I don't know what it stands for.</p> <p>22 It's more like a tactical uniform.</p> <p>23 Q. All right. So before you went to the</p> <p>24 Venetian that evening, where were you immediately</p> <p>25 before then?</p>

All-American Court Reporters (702) 240-4393

www.aacrlv.com

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

8 (Pages 26 to 29)

Page 26	Page 28
<p>1 A. The Hawaiian market.</p> <p>2 THE REPORTER: The what market?</p> <p>3 THE WITNESS: Hawaiian.</p> <p>4 BY MR. LAGOMARSINO:</p> <p>5 Q. Do you remember when you started your shift</p> <p>6 that evening?</p> <p>7 A. Standard time, 2000 hours.</p> <p>8 Q. And approximately how long were you at the</p> <p>9 Hawaiian market?</p> <p>10 A. Possibly an hour. I can't recall.</p> <p>11 Q. So I think you had three call signs that</p> <p>12 evening; is that correct?</p> <p>13 A. Yeah. It was multiple.</p> <p>14 Q. Does a call sign basically explain the</p> <p>15 location where you're at?</p> <p>16 A. For the Safe Strip evenings, yes.</p> <p>17 Q. So then, you guys go to the Venetian.</p> <p>18 Where do you guys park?</p> <p>19 A. On the south side of the Venetian, there's</p> <p>20 like an employee loading dock area. I don't know how</p> <p>21 to describe it. It's kind of like a -- it's enclave</p> <p>22 from one of the main roadways to get under the</p> <p>23 Venetian, and that's where we parked. That's usually</p> <p>24 where we always park to go into like security or like</p> <p>25 to an EDR.</p>	<p>1 Q. -- of espresso?</p> <p>2 A. (No audible response.)</p> <p>3 Q. Sometimes people know each other's drinks.</p> <p>4 I know we do around here.</p> <p>5 A. Oh, yeah.</p> <p>6 Q. Usually, the person who buys knows the</p> <p>7 drink better than anyone else, so.</p> <p>8 Did Officer Lopera ever describe any other</p> <p>9 hobbies that he had, do you know, at any time?</p> <p>10 A. Not that I can recall.</p> <p>11 Q. Did he like to work out?</p> <p>12 A. I believe so, but specifics, I don't -- I</p> <p>13 don't recall us talking about working out or</p> <p>14 specific, I guess, workouts.</p> <p>15 Q. All right. So you get your coffee, and how</p> <p>16 far away are you from the Coffee Bean when Tashii</p> <p>17 Farmer comes up to you?</p> <p>18 A. An estimate would be, oh, maybe 50,</p> <p>19 60 feet.</p> <p>20 Q. Okay.</p> <p>21 A. I can't recall. I haven't been there</p> <p>22 since. It's almost been two years since I've been</p> <p>23 there.</p> <p>24 Q. Any reason why you haven't been there?</p> <p>25 A. I haven't needed to take calls for service.</p>
Page 27	Page 29
<p>1 Q. All right. So then, you guys park, and</p> <p>2 where do you go to? What is your first destination?</p> <p>3 A. Walk into the doors. We go past security,</p> <p>4 go past like the EDR into the main casino area.</p> <p>5 I remember he and I were talking about</p> <p>6 getting coffee, so we, excuse me, walked around to</p> <p>7 find somewhere to get coffee and ended up finding a</p> <p>8 Coffee Bean.</p> <p>9 Q. And just for the record, when you say EDR,</p> <p>10 that's employee dining room?</p> <p>11 A. Correct.</p> <p>12 Q. So we go get coffee, what kind of coffee do</p> <p>13 you get?</p> <p>14 A. I think it was like an iced coffee because</p> <p>15 I was sweating. I was hot.</p> <p>16 Q. It was hot that day?</p> <p>17 A. I was hot, yeah.</p> <p>18 Q. And do you remember what he got?</p> <p>19 A. I think we got the same thing.</p> <p>20 Q. Was it free?</p> <p>21 A. No.</p> <p>22 Q. Do you remember who paid for it?</p> <p>23 A. I did.</p> <p>24 Q. Were there extra shots --</p> <p>25 A. I don't recall.</p>	<p>1 If I don't have to go there for a specific work</p> <p>2 function, I would prefer not going there.</p> <p>3 Q. Why is that?</p> <p>4 A. Just the memories of this entire thing.</p> <p>5 Q. All right. And I also didn't give you this</p> <p>6 instruction, but if at any time you need a break</p> <p>7 today, just let us know, we'll take a break.</p> <p>8 Counsel, my plan is not to go super long</p> <p>9 today. We can take a lunch at any time if you want</p> <p>10 or we can just plow through. It's up to you.</p> <p>11 It's up to you too.</p> <p>12 A. Yeah. I have to -- I work graveyard now,</p> <p>13 so I'm off to go to sleep after we do this.</p> <p>14 Q. All right. Do you want to get deposed a</p> <p>15 different time --</p> <p>16 A. No.</p> <p>17 Q. -- if you're tired?</p> <p>18 A. No. I'd rather, please, let's get this</p> <p>19 done.</p> <p>20 Q. We do have Red Bull here, as Craig knows.</p> <p>21 He probably told you that.</p> <p>22 MR. ANDERSON: I didn't know you had</p> <p>23 Red Bull.</p> <p>24 THE WITNESS: No.</p> <p>25</p>

All-American Court Reporters (702) 240-4393

www.aacrlv.com



Officer Ashley Lif ~ April 4, 2019  
\* \* \* Videotaped Deposition \* \* \*

9 (Pages 30 to 33)

Page 30	Page 32
<p>1 BY MR. LAGOMARSINO: 2 Q. If you need something like that -- 3 A. Thank you. 4 Q. -- we have that and that new drink Bang. 5 MR. McNUTT: One of these days, you'll get 6 that newfangled drink here, coffee. 7 MR. LAGOMARSINO: Yeah, we do have that. 8 MR. McNUTT: Oh, you do? 9 MR. LAGOMARSINO: Yeah. 10 MR. McNUTT: I didn't think so. 11 MR. LAGOMARSINO: We like to hand-make it, 12 it's a craft. 13 MR. McNUTT: Oh, oh. 14 MR. LAGOMARSINO: Yeah. 15 MR. McNUTT: That's too refined for my 16 pallet. 17 MR. LAGOMARSINO: I think you like gas 18 station coffee, right? 19 MR. McNUTT: I do. Truck stop preferably. 20 MR. LAGOMARSINO: I get it. 21 BY MR. LAGOMARSINO: 22 Q. All right. So you're leaving Coffee Bean, 23 and what is the next thing you recall about this 24 incident? 25 A. We were going to walk into an area to, like</p>	<p>1 towards Officer Lopera. And so, I took 2 Officer Lopera's coffee from him and walked away. 3 Q. Why did -- if you were going to walk him to 4 valet, why are you like putting the coffee down? 5 A. It's my opinion now, it's not professional 6 to walk around with a coffee if I'm going to be 7 assisting a citizen. 8 Q. And at that point, had you determined 9 whether Tashii had any weapons? 10 A. No. 11 Q. Did you believe he had any weapons? 12 A. No. 13 Q. Tashii told you he had run over to the 14 Venetian, correct? 15 A. Yes, that he ran across the boulevard. 16 Q. All right. So you go to put down your 17 coffee, and do you see Officer Lopera and Tashii when 18 you turn around? 19 A. They're still talking, and I remember I -- 20 there was like a corner, went to go sit down my 21 coffees and when I have my vest and belt on, I move 22 slow, especially when bending down. There's just a 23 lot of equipment in the way, and I took my time. 24 And I remember they were talking. I don't 25 know what they were talking about. There was just</p>
Page 31	Page 33
<p>1 where there was more foot traffic to show more 2 officer presence. That's what we're instructed to do 3 during Safe Strip. 4 Q. So you're walking towards like a more 5 populated area, I guess? 6 A. Yes. 7 Q. And Tashii comes up to you guys? 8 A. Yes. 9 Q. And what does he say? 10 A. That he was being followed or chased and if 11 we knew where a drinking fountain or a water fountain 12 was. 13 Q. And did you guys know where one was? 14 A. We did not. I remember we offered help to 15 assist him. 16 I think he asked if we could take him down 17 or show him where valet was, and of course, we're 18 agreeable to help you. 19 Q. All right. So it was your understanding 20 that you were going to take him to valet. Is that 21 when you decided you were going to put the coffees 22 down? 23 A. He and Officer Lopera began talking. I 24 think he was asking what was wrong. He was sweating. 25 Mr. Farmer had directed too much attention</p>	<p>1 noise. 2 And I think they ended up sort of walking 3 away, and there was a -- like a service hallway, and 4 there were a couple janitors or maintenance guys 5 there. 6 And when I had started to stand up and turn 7 around, they were starting to walk away. Then they 8 started to run down the hall. 9 And I was -- I lost sight -- I looked down, 10 I remember looking down to negotiate the slippery 11 floor so I didn't, you know, fall, and then, they 12 were gone. 13 Q. All right. And you were asked in your FIT 14 statement if it was a restricted area that they ran 15 into, and I'll just read it into the record. I don't 16 have a copy here. But it says: 17 "I'm not aware because it was 18 being cleaned at that time, so I'm 19 not sure if those doors are closed 20 during specific hours." 21 A. Yes. 22 Q. Is that accurate? 23 A. Now that I've been privy to more of the 24 investigation and seen, I guess, what would be some 25 security cameras, yes, it is a restricted.</p>

Officer Ashley Lif ~ April 4, 2019  
 \* \* \* Videotaped Deposition \* \* \*

10 (Pages 34 to 37)

Page 34	Page 36
<p>1 Q. I'm aware -- I guess my question is  2 slightly different.  3 That evening, was it obvious to you that  4 that was a restricted area?  5 A. At that time with the FIT statement, no.  6 Q. And standing there with Tashii, was it  7 obvious to you -- I'm sure it didn't occur to you --  8 let me rephrase the question.  9 At that time, was it obvious to you that he  10 ran into a restricted area?  11 A. At that time, no. I don't recall even  12 having any mind down to that open hall.  13 Q. All right. Was it warm enough that evening  14 that you had to have air conditioning on constantly  15 in your car?  16 A. Oh, yeah.  17 MR. LAGOMARSINO: Yeah, we have  18 construction going on.  19 MR. ANDERSON: You're holding children in  20 here somewhere?  21 MR. McNUTT: You should hear it in here.  22 (Laughter.)  23 BY MR. LAGOMARSINO:  24 Q. So you were asked by Bryan Yant that  25 evening if it was normal for people on the Strip to</p>	<p>1 All right. So about 11 days later, you  2 give your CIRT statement?  3 A. Approximately, yes.  4 Q. It looks like May 25th.  5 And you did that at Critical Incident  6 Review Team office. Is that at headquarters?  7 A. Yes.  8 MR. LAGOMARSINO: I'm going to take a  9 break. I'm going to go talk to them.  10 MR. ANDERSON: Yell at people?  11 MR. LAGOMARSINO: Yeah. Be polite.  12 THE VIDEOGRAPHER: The time is  13 approximately 10:45 a.m. We are going off the  14 record.  15 (There was a brief discussion off  16 the record.)  17 MR. LAGOMARSINO: Actually, can you keep  18 that video going, just to record the sound.  19 THE VIDEOGRAPHER: Okay.  20 MR. LAGOMARSINO: If you guys don't mind.  21 We have a landlord-tenant dispute here.  22 THE VIDEOGRAPHER: I have it. Andre,  23 honestly, I have it so you can't hear it.  24 (The attorneys and the witness  25 exited the room.)</p>
Page 35	Page 37
<p>1 approach you and say they're being followed.  2 THE REPORTER: Sorry, I didn't quite hear  3 you with the noise.  4 MR. LAGOMARSINO: Sorry about that.  5 BY MR. LAGOMARSINO:  6 Q. Is it normal for people -- strike that.  7 Before this incident, had anybody on the  8 Strip ever approached you to say they were being  9 followed?  10 A. Not that I can recall.  11 I do know that citizens will come up and  12 ask us, you know, questions or like where a hotel is  13 or directionals.  14 Q. Well, the transcript I have says from Bryan  15 Yant:  16 "Okay. And is it normal for  17 people to approach you on the Strip  18 and say they're being followed and  19 chased by people?"  20 And then, your answer that evening was,  21 "It's happened before."  22 A. Right now, I can't remember any specifics.  23 I don't want to say that that's not possible  24 specifically right now. I can't say.  25 Q. Okay. That's fair enough. All right.</p>	<p>1 THE REPORTER: Is that back on?  2 THE VIDEOGRAPHER: Yeah, the camera is on.  3 (A recess was taken.)  4 THE VIDEOGRAPHER: The time is  5 approximately 11:00 a.m. We are going back on the  6 record.  7 BY MR. LAGOMARSINO:  8 Q. So getting back to your CIRT statement, do  9 you remember who was in the room when you gave that  10 statement?  11 A. I remember it was the sergeant. I want to  12 say it was Kyle Ward. Kasey Kirkegard, and Greg  13 Watkins.  14 Q. Michael Springer, who was --  15 A. And I'm sorry, and Mike Springer.  16 Q. That's okay. Nobody is expecting you to  17 have a photographic memory.  18 So Bryan Yant and Mike Springer were there.  19 They were both your reps?  20 A. My rep was Bryan Yant, and then, from PEAP  21 was Mike Springer. He didn't have any say in the  22 investigation.  23 Q. Okay. What does PEAP stand for?  24 A. Oh. Offhand, I don't know, but I can tell  25 you what they do. It's more like for the mental</p>

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

11 (Pages 38 to 41)

Page 38

1 health of the officers. It's like the -- I'm not  
 2 even going to guess.  
 3 Q. Okay. Just like they're in a support role  
 4 for you, basically?  
 5 A. Yes.  
 6 Q. All right. So the allegations against you  
 7 were that prior to your arrival, you failed to  
 8 activate your body-worn camera.  
 9 Is that accurate?  
 10 A. I can't recall, but...  
 11 Q. Ahead of the interview, did you receive a  
 12 copy of Chapter 289 of the NRS?  
 13 A. Yes.  
 14 Q. What is that, to your understanding?  
 15 A. I believe it's my rights as a police  
 16 officer. I believe that's where Garrity comes in.  
 17 Q. And what is your understanding of those  
 18 rights?  
 19 A. That my administrative statement cannot be  
 20 used against me in a criminal aspect.  
 21 Q. Any other rights that you're aware of?  
 22 A. Not that I can recall.  
 23 Q. And they mentioned that they sent it to  
 24 you -- excuse me -- to your email?  
 25 A. Yes.

Page 39

1 Q. Would that be your personal or your police?  
 2 A. Department.  
 3 Q. All right. At the time, what was your  
 4 classification and assignment?  
 5 A. I was a PO 1, still on probation, and I was  
 6 on the flex team.  
 7 Q. All right. And since this incident, have  
 8 you gone to a different team or a different unit?  
 9 A. Yes. From the flex team, I had switched  
 10 squads, still the same flex, I guess  
 11 responsibilities, different squad. And then, after  
 12 that, I went to gangs, and now, I'm a field training  
 13 officer.  
 14 Q. What are the boundaries of the Convention  
 15 Center area command?  
 16 A. Anything east of the 15, south of Sahara,  
 17 west of Paradise and north of, I believe Russell.  
 18 Q. Did you transfer to that squad from  
 19 north --  
 20 A. Northwest.  
 21 Q. -- west?  
 22 A. Yes.  
 23 Q. What is Northwest 11?  
 24 A. The grave squad. I can't remember.  
 25 Q. All right. That evening, I think you

Page 40

1 mentioned you were wearing a vest?  
 2 A. Yes.  
 3 Q. Is that a bullet-proof vest?  
 4 A. Bullet resistant, yes.  
 5 Q. Bullet resistant, okay. All right.  
 6 Were you aware of whether Officer Lopera  
 7 was wearing a bullet resistant vest?  
 8 A. I can presume. It's the policy that we  
 9 wear it.  
 10 Q. And what was your call sign that evening?  
 11 A. I can't remember.  
 12 Q. Okay. There's a reference to a Mary or  
 13 8 Mary 62.  
 14 What does that mean?  
 15 A. Okay. The 8, I think it's just like an  
 16 identifier that we're not a -- like it calls for a  
 17 service squad. I think it identifies our  
 18 capabilities for dispatch if they don't assign us  
 19 anything.  
 20 Mary is the sector that we're in, and 62 is  
 21 more of the beat.  
 22 Q. And who was your supervisor that evening?  
 23 A. Sergeant Crumrine.  
 24 Q. And how long had you been working with him  
 25 at the time of the incident with Tashii?

Page 41

1 A. Probably no more than, I'd say, a month  
 2 because I had transferred, and then, I believe that's  
 3 when I went to the training for the military, so I  
 4 was put on orders.  
 5 Q. All right. So it's my understanding that  
 6 the flex squad is a proactive unit?  
 7 A. Yes.  
 8 Q. Can you give us some examples of what it  
 9 means to be proactive in that unit?  
 10 A. In that unit?  
 11 Q. Yeah.  
 12 A. Initiate car stops, enforce laws that are  
 13 specific to a Strip corridor. Making the presence to  
 14 I guess tourists, show safety and that we're out and  
 15 maybe, I guess, discourage people from engaging in  
 16 nefarious activity.  
 17 Q. What are chronic nuisance crimes on the  
 18 Strip?  
 19 A. Repetitive crimes. I believe it was more  
 20 like vagrancy, things that would, I guess,  
 21 deteriorate the integrity of the Strip and tourists.  
 22 Q. You have mentioned in your statement a  
 23 priority 1 or zero.  
 24 What does that mean?  
 25 A. It's urgent. It needs to be, I guess,

All-American Court Reporters (702) 240-4393

www.aacrlv.com



## Officer Ashley Lif ~ April 4, 2019

## \* \* \* Videotaped Deposition \* \* \*

12 (Pages 42 to 45)

Page 42	Page 44
<p>1 handled now or immediate. There is maybe a threat to 2 safety. 3 Q. Okay. So is it accurate to describe that 4 it's self-initiated activity, proactive policing? 5 A. I guess I don't understand your question. 6 Q. Is that proactive policing, basically? 7 A. Priority zeroes or 1s? 8 Q. No. Just what you were doing that evening. 9 A. Yes. 10 Q. It's my understanding that you would rotate 11 partners from time to time? 12 A. Yes. 13 Q. Who was your other partner that you would 14 rotate with at that time? 15 A. At that time. I believe I rode with Chris 16 Gibson as well, and I think I rode with Aaron Denson. 17 Q. Can you spell that for the court reporter? 18 A. His first name? Two As. 19 Q. Okay. And then Denson, D-e-n-s-o-n? 20 A. Yes. 21 Q. All right. And had Aaron or Chris ever 22 described using LVNRs to you before? 23 A. No. 24 Q. Have you ever seen anybody using an LVNR in 25 the field?</p>	<p>1 guess, a stop. 2 I wouldn't call that discourtesy to the 3 public, but it was -- I remember he would get amped 4 up and loud. Might make a citizen uncomfortable if 5 it was just a traffic stop. 6 Q. Now, what you described in terms of his 7 strengths, the delineation between reasonable 8 suspicion and probable cause. We're going to be 9 talking to a jury. 10 So can you describe what you mean in 11 layman's terms by that? 12 A. So reasonable suspicion, if a crime has 13 been -- is being or is about to be committed. 14 Probable cause is more when the facts and 15 circumstances known to the officer would warrant man 16 to believe the crime has been committed and the 17 accused has committed it. 18 Q. I'm gathering, but tell me if I'm wrong, 19 when you're saying maybe he was better than you on 20 some of those issues -- 21 A. Yes. 22 Q. -- would you feel more so struck that 23 probable cause is a higher standard than reasonable 24 suspicion? 25 A. It's an arrestable. I can effect a lawful</p>
Page 43	Page 45
<p>1 A. In the field, no. 2 Q. What is the reason for rotating partners? 3 A. Some people are going to have more 4 experience than others, whether it's prior law 5 enforcement or prior military or I guess comfort 6 level, better understanding of some NRSs, possibly it 7 will give each other a little bit more of a 8 well-rounded, I guess, learning experience. 9 Q. One of the things that you mentioned in 10 your statement was that one reason for rotating is to 11 get familiarity with other people's strengths and 12 weaknesses? 13 A. Yeah. 14 Q. What were some of Officer Lopera's 15 strengths that you perceived? 16 A. He was more proactive than I was. He 17 would -- he operated very well with reasonable 18 suspicion, whereas, I felt more comfortable with 19 probable cause. 20 So it would kind of force me out of, I 21 guess, my comfort zone. That's one of the big things 22 I remember. 23 Q. Okay. And what about his weaknesses? 24 A. Communication. I don't know how to 25 describe it. Maybe not staying calm through, I</p>	<p>1 arrest with probable cause. 2 Q. You cannot effect a lawful arrest with 3 reasonable suspicion? 4 A. Correct. 5 Q. You have to have reasonable suspicion to 6 get to probable cause, correct? 7 A. Correct. 8 Q. But you need reasonable suspicion for what, 9 just a stop? 10 A. Yes, but under state law, you have 11 60 minutes. Otherwise, it becomes de facto. 12 Q. Okay. All right. 13 Based on your interaction with Tashii that 14 evening, did you ever have reasonable suspicion 15 personally that he had committed a crime? 16 A. No. At that time, no. 17 Q. What does contact cover mean? 18 A. It can set up two officers into, I guess, a 19 tactical advantage. I guess in case there was 20 possibly force that was going to be used or where the 21 cover officer can watch the contacts back if it's 22 something unrelated, like if a threat unrelated to 23 the stop comes up. 24 Q. When you're on Safe Strip and you're 25 walking, as officers, do you approach citizens and</p>

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

13 (Pages 46 to 49)

Page 46	Page 48
<p>1 initiate contact with them?</p> <p>2 A. We can. Whether it's a consensual stop in</p> <p>3 making, you know, small-talk conversation where we</p> <p>4 don't have any legal justification to do it or it's</p> <p>5 reasonable suspicion or probable cause, yes.</p> <p>6 Q. Was there any kind of chain of command</p> <p>7 involved with you and Officer Lopera that evening?</p> <p>8 A. No.</p> <p>9 Q. Like was he like your supervisor --</p> <p>10 A. No.</p> <p>11 Q. -- or were you equals?</p> <p>12 A. No, we're the same.</p> <p>13 Q. Okay. Prior to this incident, had you ever</p> <p>14 handled any calls to the Venetian?</p> <p>15 A. Not that I can recall. I believe so. I</p> <p>16 know I've been in the Venetian before, prior to this</p> <p>17 incident.</p> <p>18 Q. Venetian and Palazzo are very large,</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. It's easy to get lost there?</p> <p>22 A. Very.</p> <p>23 Q. That evening, were you familiar with the</p> <p>24 layout?</p> <p>25 A. No.</p>	<p>1 A. Yes.</p> <p>2 Q. So you turn around, and then you see them</p> <p>3 still talking.</p> <p>4 And you're about how far away from them?</p> <p>5 A. Oh. Maybe like 5 to 10 feet-ish.</p> <p>6 Truthfully, I cannot remember.</p> <p>7 Q. Okay. And so then, you're walking back</p> <p>8 towards them; is that correct?</p> <p>9 A. They had started, I believe, to kind of</p> <p>10 walk away.</p> <p>11 Q. Did you see them both go in that service</p> <p>12 entrance?</p> <p>13 A. Yes.</p> <p>14 MR. McNUTT: Objection, form.</p> <p>15 BY MR. LAGOMARSINO:</p> <p>16 Q. Okay. All right.</p> <p>17 And I wasn't clear based on reading your</p> <p>18 statements. Were you aware that evening that</p> <p>19 Officer Lopera had slipped and fell on the ground?</p> <p>20 A. That evening, I don't recall it, but having</p> <p>21 been through, I guess, the other boards and</p> <p>22 everything, it did happen. To this day, I can't</p> <p>23 recall it. And I also swear that two service doors</p> <p>24 were open, and based on video, they were not.</p> <p>25 Q. Okay. All right.</p>
Page 47	Page 49
<p>1 Q. You had mentioned that you knew where two</p> <p>2 spots were at the Venetian, where the employee dining</p> <p>3 room was and then where security holding was; is that</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. How many times had you been to the employee</p> <p>7 dining room at the Venetian?</p> <p>8 A. Oh. Five to ten, maybe.</p> <p>9 Q. Had you been there with Officer Lopera</p> <p>10 before this evening?</p> <p>11 A. Yes. We used to go as a squad, I remember.</p> <p>12 Q. How many people would go?</p> <p>13 A. Usually the whole squad, between give or</p> <p>14 take if some people were off on vacation or sick, it</p> <p>15 could be between six to ten, maybe.</p> <p>16 Q. Did you ever gauge why Tashii asked to be</p> <p>17 taken to the valet?</p> <p>18 A. No.</p> <p>19 Q. All right. So I'm going to get back to the</p> <p>20 incident a little bit.</p> <p>21 So you set the coffee down. Where do you</p> <p>22 set it, on the floor?</p> <p>23 A. Yes.</p> <p>24 Q. All right. And at that point, was your</p> <p>25 back turned?</p>	<p>1 So it was a Saturday night, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And is your recollection that the next day</p> <p>4 was Mother's Day?</p> <p>5 A. I didn't know it at that time, but...</p> <p>6 Q. Was it busy?</p> <p>7 A. I'd say it was fair and average, consistent</p> <p>8 with a Saturday night on the Strip.</p> <p>9 Q. Are Saturday nights on the Strip busier</p> <p>10 than Tuesday nights?</p> <p>11 A. Yes.</p> <p>12 Q. Is that usually the busiest night on the</p> <p>13 Strip?</p> <p>14 A. Depending on what talent is in town, yes.</p> <p>15 Q. Was there a lot of foot traffic in the</p> <p>16 Venetian?</p> <p>17 A. I recall yes.</p> <p>18 Q. That's a pretty popular casino?</p> <p>19 A. Yes.</p> <p>20 Q. Now, when you saw Tashii, you could tell he</p> <p>21 was sweating; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And you saw that there were beads of sweat</p> <p>24 coming down his face?</p> <p>25 A. Yes.</p>

All-American Court Reporters (702) 240-4393

www.aacrlv.com



Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

14 (Pages 50 to 53)

<p style="text-align: right;">Page 50</p> <p>1 Q. Did he seem a little paranoid to you?</p> <p>2 A. Nothing -- I guess it would be inconsistent</p> <p>3 with him saying that he almost got hit by a car</p> <p>4 running across the street. To me, it didn't strike</p> <p>5 as unusual.</p> <p>6 Q. Okay.</p> <p>7 In your statement, you said, "He didn't say</p> <p>8 it was directly across the street. For all I know,</p> <p>9 it was a distance."</p> <p>10 I want to ask you if you can remember what</p> <p>11 you thought that evening. Did you take it to mean</p> <p>12 that he had run a long distance to get where he had</p> <p>13 been or?</p> <p>14 A. Even it was directly across the street, on</p> <p>15 both east and west sides of the Strip, north and</p> <p>16 southbound lanes, there's three lanes, not including</p> <p>17 turning lanes or I guess turning lanes into a</p> <p>18 property, which could potentially be four on each</p> <p>19 side, so it would be total.</p> <p>20 And then, there's the median that in some</p> <p>21 places is going to have like a barrier.</p> <p>22 Q. So it's quite a distance, correct?</p> <p>23 A. Yeah.</p> <p>24 Q. At that time, did you feel like he</p> <p>25 exhibited any signs of excited delirium?</p>	<p style="text-align: right;">Page 52</p> <p>1 BY MR. LAGOMARSINO:</p> <p>2 Q. Was this the first time as a law</p> <p>3 enforcement officer you had been involved in a</p> <p>4 situation where a citizen was killed?</p> <p>5 A. Yep.</p> <p>6 Q. In your military service, have you ever</p> <p>7 been involved in a situation where somebody was been</p> <p>8 killed?</p> <p>9 A. I haven't been deployed.</p> <p>10 Q. So you had mentioned that it was shocking</p> <p>11 to you because of everything that happened and that</p> <p>12 it shouldn't have happened.</p> <p>13 Why shouldn't it have happened --</p> <p>14 A. It's my understanding --</p> <p>15 Q. -- in your opinion?</p> <p>16 A. -- we were at a consensual stop.</p> <p>17 I don't know what conversation they had</p> <p>18 when I was away. I have no idea. I was under the</p> <p>19 presumption we were on consensual, which means I have</p> <p>20 no legal justification to follow him or to do</p> <p>21 anything within my legal capacity.</p> <p>22 He asked for help. We offered it. I know</p> <p>23 both Lopera and I would have been more than happy to</p> <p>24 help him with whatever he needed, but even the</p> <p>25 criteria for the 2000 at that time, you know, the</p>
<p style="text-align: right;">Page 51</p> <p>1 A. At that time, it didn't strike me, no.</p> <p>2 Q. Did he seem out of breath to you?</p> <p>3 A. I can't recall.</p> <p>4 Q. And this is a normal question I ask in the</p> <p>5 beginning of a depo, but I'll ask it now.</p> <p>6 Did you review any documents before coming</p> <p>7 in today to refresh your recollection?</p> <p>8 A. I briefly looked at the first 20 pages of</p> <p>9 my CIRT statement and read through my last deposition</p> <p>10 briefly, but nothing was, I guess, studied.</p> <p>11 Q. Did you review any video surveillance or</p> <p>12 body cams?</p> <p>13 A. No. I've made it a point to not watch</p> <p>14 those.</p> <p>15 Q. Does it upset you to watch those?</p> <p>16 A. Yes.</p> <p>17 Q. Was this event shocking to you?</p> <p>18 A. Yes.</p> <p>19 Q. How so?</p> <p>20 Do you want to take a break?</p> <p>21 A. It was shocking because of everything that</p> <p>22 had happened, and it shouldn't have happened.</p> <p>23 Q. Just wait for your attorney to come back.</p> <p>24 (Pause in proceedings.)</p> <p>25</p>	<p style="text-align: right;">Page 53</p> <p>1 brief interaction that I was there for, he didn't hit</p> <p>2 any of the four criterias for me to legally hold him.</p> <p>3 Q. Are you trained at the academy on foot</p> <p>4 pursuits?</p> <p>5 A. Yeah, they go over it.</p> <p>6 Q. Okay. And it's my understanding that</p> <p>7 different officers have different opinions on when to</p> <p>8 follow through on a foot pursuit.</p> <p>9 A. Yes.</p> <p>10 Q. Is that your understanding?</p> <p>11 A. Yes.</p> <p>12 Q. I had an officer, and this is just a</p> <p>13 preliminary comment to a question, who told me -- he</p> <p>14 was a more experienced officer in Henderson and told</p> <p>15 me that he was training somebody new, and somebody</p> <p>16 saw them and started running away and that the newer</p> <p>17 officer -- he told the new officer, don't worry,</p> <p>18 we'll see him next week or whatever. It's not worth</p> <p>19 the danger that's involved.</p> <p>20 Do you have a specific criteria of when to</p> <p>21 initiate a foot pursuit?</p> <p>22 A. I don't think there's a steadfast criteria.</p> <p>23 I think there's a lot of factors that will play</p> <p>24 influence on it.</p> <p>25 One of them that whenever I have been in a</p>

All-American Court Reporters (702) 240-4393

www.aacrly.com

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

15 (Pages 54 to 57)

<p style="text-align: right;">Page 54</p> <p>1 foot pursuit, I know when it's put out over the radio  2 that the area supervisor is going to ask what the  3 crime was, and if there isn't a crime or if it's --  4 you know, let's say a jaywalking offense and it's a  5 busy night on the Strip, is my foot pursuit going to  6 cause that person to hurt somebody else or get hit by  7 a car.  8 If I instantly can think yeah, I'm not  9 doing it.  10 Q. All right. So at the point where you all  11 are speaking with Tashii, is that a consensual stop?  12 A. My understanding, yes. We didn't stop him,  13 he stopped us.  14 Q. Okay. Sorry, I didn't mean to phrase it  15 that way.  16 It was a consensual interaction?  17 A. Yes.  18 Q. At any time when you were able to hear  19 Tashii, did he ever make any kind of a threatening  20 remark or --  21 A. No. Not that I can recall, no.  22 Q. And we do have some of the body cam footage  23 from Officer Lopera, but the first 30 seconds,  24 there's no sound.  25 Do you recall the extent of your</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Okay. When you would witness  2 Officer Lopera, you said earlier that sometimes he  3 could be maybe a little abrasive or rough on traffic  4 stops, not necessarily physically but just in the way  5 he interacted with citizens, did you ever ask him,  6 like hey, tone it down or --  7 A. No. It's --  8 MR. McNUTT: Objection, form.  9 I need to get an objection in whenever he's  10 done, but you were cutting him off.  11 THE WITNESS: Sorry.  12 MR. LAGOMARSINO: Sure. That's fine. Let  13 me rephrase the question. I'll withdraw it.  14 BY MR. LAGOMARSINO:  15 Q. Did you ever have conversations with him  16 about the tone that he would use with citizens?  17 MR. McNUTT: Objection, form,  18 mischaracterizes the testimony.  19 THE WITNESS: Can I answer?  20 MR. ANDERSON: Yeah.  21 THE WITNESS: No. Different officers have  22 different perceptions and I guess different  23 experiences that are going to lead to act a certain  24 way or not.  25 If it's somebody's, not specifically his,</p>
<p style="text-align: right;">Page 55</p> <p>1 conversations with him? It's not that long of a  2 time, but what was said in that 30 seconds?  3 A. Not that I can recall.  4 I know specifically he just asked for a  5 drinking fountain or to be taken down to valet and  6 that he ran across the street. Other than that, I  7 can't recall.  8 Q. I don't want to keep talking about the body  9 cam footage. I understand it's upsetting to you, and  10 it's not my intent to do that. But I do have a  11 question.  12 In the beginning of Officer Lopera's body  13 footage, it appears to me, but maybe it's just me,  14 that he's reaching out to grab Tashii.  15 Does it look like that to you?  16 A. After I saw the video, I recall that.  17 Q. Did you ever learn why he did that?  18 A. No.  19 Q. When you were at the scene outside after  20 you arrived, do you recall the extent of the  21 conversations that you had with Officer Lopera?  22 A. After having, I guess, seen the body cam,  23 that's when he said that he used a rear naked choke.  24 I don't recall that conversation, but it happened,  25 it's on body camera.</p>	<p style="text-align: right;">Page 57</p> <p>1 if it's someone's personality to be more abrasive or  2 direct, then that's their personality.  3 Are they doing anything wrong? No. Is it  4 how I would do it? No.  5 BY MR. LAGOMARSINO:  6 Q. All right.  7 During the investigation, did you ever come  8 to learn Bryan Yant's history as a police officer in  9 officer-involved shootings?  10 A. I've heard about it.  11 Q. Okay. Did you know about that before this  12 incident?  13 A. No.  14 Q. When did you first learn about it?  15 A. I can't remember who I was speaking with  16 who is more tenured on the department, and I guess a  17 conversation had came up about who my rep is, and I  18 said, "Bryan Yant." And they said that is something  19 that he had been in multiple OISS, and I think it was  20 him that shot someone who was trying to destroy  21 evidence.  22 Q. Okay. Did you learn that while he was your  23 rep?  24 A. I can't recall.  25 Q. Was that part of the reason why you had him</p>

All-American Court Reporters (702) 240-4393

www.aacrlv.com

Officer Ashley Lif ~ April 4, 2019  
\* \* \* Videotaped Deposition \* \* \*

16 (Pages 58 to 61)

Page 58	Page 60
<p>1 changed out?</p> <p>2 A. No. My specific reason for having him</p> <p>3 changed out is I believed it was a conflict of</p> <p>4 interest about him repping every person on that</p> <p>5 incident.</p> <p>6 Q. Had anybody ever told you from the police</p> <p>7 department that Bryan Yant should not even be on the</p> <p>8 force based on what he did?</p> <p>9 A. I think I recall hearing that. I remember</p> <p>10 hearing that they put him at the PPA so he was off</p> <p>11 the street.</p> <p>12 Q. When you were dealing with Tashii inside</p> <p>13 the hotel, were you ever concerned for your safety?</p> <p>14 A. My safety, no.</p> <p>15 Q. Were you ever concerned for</p> <p>16 Officer Lopera's safety?</p> <p>17 A. No.</p> <p>18 Q. You're a crisis intervention certified,</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. And was that in January 2016?</p> <p>22 A. Yes.</p> <p>23 Q. Is that something that you have to be</p> <p>24 recertified in or --</p> <p>25 A. Yes.</p>	<p>1 as.</p> <p>2 I believe her boyfriend or her husband had</p> <p>3 called and said that she's going through a crisis, or</p> <p>4 I can't remember the details, but when I had -- I was</p> <p>5 the first arriving.</p> <p>6 And I saw her in a car, and when my car had</p> <p>7 pulled up, her getting out, and she was sweating. It</p> <p>8 was daytime, sun was up, it was summertime. She was</p> <p>9 sweating and inconsistent speech and yelling, not</p> <p>10 making sense of her words.</p> <p>11 And a couple of my other backups had showed</p> <p>12 up, and we ended up putting her into custody for</p> <p>13 safety reasons.</p> <p>14 Q. Is that what's referred to as like a legal</p> <p>15 2000?</p> <p>16 A. Yes, I believe she was legaled.</p> <p>17 Q. Contrasting that with Tashii, was he able</p> <p>18 to speak articulately, clearly?</p> <p>19 A. As I recall, yes. It wasn't like the other</p> <p>20 excited delirium, or ED, call that I had had.</p> <p>21 Q. Did you perceive him to be in mental crisis</p> <p>22 at that time?</p> <p>23 A. Not that I can recall.</p> <p>24 Q. All right. Sometimes with somebody who is</p> <p>25 in crisis, is the way they're dressed can be an</p>
Page 59	Page 61
<p>1 Q. Have you been recertified in it?</p> <p>2 A. I believe so. I can't remember what date.</p> <p>3 I know that they end up sending a letter to your</p> <p>4 supervisor, and you go to the class you're scheduled</p> <p>5 to.</p> <p>6 Q. Did Officer Lopera ever tell you that he</p> <p>7 had lapsed in some sort of occasions?</p> <p>8 MR. McNUTT: Objection, form, assumes facts</p> <p>9 not in evidence.</p> <p>10 THE WITNESS: Not that I recall.</p> <p>11 BY MR. LAGOMARSINO:</p> <p>12 Q. And you've been on crisis intervention team</p> <p>13 related calls before, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And had you ever been the primary officer</p> <p>16 in such a situation where you were charged with</p> <p>17 talking with a subject of --</p> <p>18 A. Yes.</p> <p>19 Q. -- somebody in crisis?</p> <p>20 A. Yes.</p> <p>21 Q. I believe you mentioned in your statement</p> <p>22 about somebody, a female who was in a car?</p> <p>23 A. Um-hum.</p> <p>24 Q. Can you tell us about that situation?</p> <p>25 A. I can't remember what the call had come out</p>	<p>1 indicator to you or if they're dressed at all?</p> <p>2 A. Um-hum.</p> <p>3 Q. Can you explain that?</p> <p>4 A. He was appropriately dressed for the</p> <p>5 weather.</p> <p>6 Q. Okay.</p> <p>7 A. I think I remember him having, I think like</p> <p>8 a short-sleeve shirt on and jeans.</p> <p>9 Q. Is there anything that you -- strike that.</p> <p>10 Can you recall him speaking abnormally or</p> <p>11 normally?</p> <p>12 A. Not that I can recall.</p> <p>13 Q. I'm sorry, that was a terrible question.</p> <p>14 Was there anything about the way that he</p> <p>15 was talking that seemed abnormal to you?</p> <p>16 A. Not that I can recall.</p> <p>17 Q. Okay.</p> <p>18 Did he appear to be mentally ill to you?</p> <p>19 A. Nothing that struck me, but even if he was,</p> <p>20 it's not a crime.</p> <p>21 Q. Does Metro have a policy on dealing with</p> <p>22 the mentally ill?</p> <p>23 A. To respect their rights.</p> <p>24 Q. Do they have the right to be left alone</p> <p>25 unless they present a danger to themselves?</p>

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

17 (Pages 62 to 65)

Page 62	Page 64
<p>1 A. Yes.</p> <p>2 Q. Does mental illness alone require a special</p> <p>3 police response?</p> <p>4 A. I think if it's -- if it's requested. If</p> <p>5 it's a call for service and they request CIT. I'm</p> <p>6 not sure how the verbiage goes through the dispatcher</p> <p>7 at the call center.</p> <p>8 Q. Sometimes you'll see mentally ill people on</p> <p>9 the street, correct?</p> <p>10 A. Sure.</p> <p>11 Q. If they're not doing anything wrong, does</p> <p>12 that require a response?</p> <p>13 A. No.</p> <p>14 Q. Is it fair to say that they basically have</p> <p>15 the right to be left alone as long as there's no</p> <p>16 crime that's been committed?</p> <p>17 A. Yes.</p> <p>18 Q. When you saw him outside the coffee shop,</p> <p>19 did you ever feel like you had to call medical for</p> <p>20 him?</p> <p>21 A. No.</p> <p>22 Q. When was the first time that you perceived</p> <p>23 that a foot pursuit had occurred?</p> <p>24 A. I never thought a foot pursuit had started.</p> <p>25 There was no radio traffic that had started. There</p>	<p>1 remember checking every door, there were locked</p> <p>2 doors, open doors, locked doors behind those.</p> <p>3 There was no vocals, no yelling, no</p> <p>4 screaming.</p> <p>5 I remember going back to where we had</p> <p>6 started to see if it just looped around, and I tried</p> <p>7 to find my own way out.</p> <p>8 Q. Did you ever hear any noises from Tashii</p> <p>9 other than --</p> <p>10 A. I heard nothing.</p> <p>11 Q. Sorry?</p> <p>12 A. I heard nothing.</p> <p>13 Q. At that time, did you believe that a foot</p> <p>14 pursuit was a valid option?</p> <p>15 A. No.</p> <p>16 Q. Did you perceive at that time that Tashii</p> <p>17 posed a threat to himself?</p> <p>18 A. No.</p> <p>19 Q. At that time, did you perceive that Tashii</p> <p>20 presented a threat to others?</p> <p>21 A. No. No.</p> <p>22 Q. Did you ever give any verbal commands to</p> <p>23 Tashii?</p> <p>24 A. No.</p> <p>25 Q. Did you ever hear Officer Lopera give any</p>
Page 63	Page 65
<p>1 was no radio traffic that I can recall.</p> <p>2 Q. Did you believe that a crime -- strike</p> <p>3 that.</p> <p>4 In your dealings with Tashii, did you</p> <p>5 believe that he had committed a crime at that time?</p> <p>6 A. At that time, no.</p> <p>7 Q. I was reading through some of your CIRT</p> <p>8 statement, and you made a comment, I don't know if it</p> <p>9 was a joke or if I'm just ignorant on police stances.</p> <p>10 But it's that you're trained to have a</p> <p>11 basic stance, and it says, "Mine is coffee."</p> <p>12 A. Oh. No.</p> <p>13 Q. Is that a joke?</p> <p>14 A. I don't know if that was a mistype, but no.</p> <p>15 Q. Okay.</p> <p>16 A. Do you need me to explain what a basic</p> <p>17 stance is?</p> <p>18 Q. Sure. Well, no, you don't have to explain</p> <p>19 it, but I didn't know if there was like a coffee</p> <p>20 stance that I didn't know about.</p> <p>21 A. Hum-um.</p> <p>22 Q. All right. Did you follow the way that</p> <p>23 Officer Lopera and Tashii went into the hallway?</p> <p>24 A. I don't know what way they went. I had</p> <p>25 walked down the same hall that I last saw them. I</p>	<p>1 verbal commands to Tashii when you were there in</p> <p>2 person?</p> <p>3 A. No. When I had showed up, he was, he had</p> <p>4 stepped away, and there were other officers who were</p> <p>5 starting to give aid.</p> <p>6 Q. When you went into where you perceived them</p> <p>7 to go into that service area, can you describe that</p> <p>8 area in terms of stairwells and doors and --</p> <p>9 A. Oh. I guess the best way I could say it,</p> <p>10 it was a spider web. It seemed like there were</p> <p>11 different halls that led to other doors, and there</p> <p>12 were locked doors into offices, and there was a</p> <p>13 stairwell. I remember I saw, I think like a</p> <p>14 maintenance guy or a linen, linen guy.</p> <p>15 And then he directed me to an elevator. I</p> <p>16 tried to find an elevator, asked for security. To</p> <p>17 this day, I have no idea how I got out.</p> <p>18 Q. Is it fair to say that once you went in</p> <p>19 there, the sense of direction was gone?</p> <p>20 A. It's gone.</p> <p>21 Q. At some point, did you get into an</p> <p>22 elevator?</p> <p>23 A. Yeah.</p> <p>24 Q. And what was the purpose, just to -- strike</p> <p>25 that.</p>

All-American Court Reporters (702) 240-4393

www.aacrlv.com

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

18 (Pages 66 to 69)

Page 66	Page 68
<p>1 A. I had no idea where I was going.</p> <p>2 Q. At some point, did you get outside?</p> <p>3 A. Yes.</p> <p>4 Q. And how did you know where to go?</p> <p>5 A. When I had stepped out, there were a bunch</p> <p>6 of police cars and lights on.</p> <p>7 Q. And so, did you run up to the scene?</p> <p>8 A. Yes.</p> <p>9 Q. When you ran track, what events or type of</p> <p>10 track did you run, I guess?</p> <p>11 A. I trained in the heptathlon and the 800. I</p> <p>12 did cross country too. There was distance in there.</p> <p>13 I threw a little bit. A little bit of everything.</p> <p>14 Q. At what point do you recall specifically</p> <p>15 losing sight of Officer Lopera in the beginning?</p> <p>16 A. I think the last I saw them is when they</p> <p>17 had turned the corner. I don't know the distance.</p> <p>18 That was the last time.</p> <p>19 MR. McNUTT: Andre, can I ask a question</p> <p>20 right there?</p> <p>21 MR. LAGOMARSINO: Sure.</p> <p>22 MR. McNUTT: Where they turned what corner?</p> <p>23 I'm unclear as to where you're at.</p> <p>24 THE WITNESS: I think there was -- and</p> <p>25 please forgive me, it's been two years since I've</p>	<p>1 to initiate a call and call it out where it's going</p> <p>2 to actually be a call for service or an interaction</p> <p>3 to initiate your body camera. If it's a consensual,</p> <p>4 I remember him saying don't call it out, don't jamb</p> <p>5 up the radio because the radios are jammed as they</p> <p>6 are.</p> <p>7 Q. Okay. You had mentioned in your statement</p> <p>8 that you had a 94.4 percent compliancy rating on the</p> <p>9 body cam?</p> <p>10 A. Yes.</p> <p>11 Q. How is that measured?</p> <p>12 A. Calls that actually get activated, whether</p> <p>13 it's a person stop or a vehicle stop, versus how many</p> <p>14 videos you have that match when the call was created.</p> <p>15 Q. Oh, okay. And how did you know that that</p> <p>16 was your rating?</p> <p>17 A. I believe it's bimonthly, you will get an</p> <p>18 email from the body cam detail saying your</p> <p>19 compliancy.</p> <p>20 Q. And is there is a required level that you</p> <p>21 have to have?</p> <p>22 A. Not that I can recall on policy. A lot of</p> <p>23 supervisors will say you're good if you're above</p> <p>24 80 percent.</p> <p>25 Q. Okay. In this particular incident, were</p>
Page 67	Page 69
<p>1 been back there.</p> <p>2 I think the angle of the hallway had</p> <p>3 turned. To what degree, I don't know.</p> <p>4 MR. McNUTT: So they were physically inside</p> <p>5 the hallway when you're saying they turned a corner?</p> <p>6 THE WITNESS: Yes.</p> <p>7 MR. McNUTT: That was all. Thank you.</p> <p>8 BY MR. LAGOMARSINO:</p> <p>9 Q. How far of a distance outside did you run?</p> <p>10 A. I can't remember. I was winded.</p> <p>11 Q. Okay.</p> <p>12 A. It was uphill, like a loading dock.</p> <p>13 Q. Do you think you were perspiring that night</p> <p>14 outside?</p> <p>15 A. Oh, yeah.</p> <p>16 Q. When is the first time that you activated</p> <p>17 your body cam?</p> <p>18 A. When I had stepped out and saw the police</p> <p>19 cars.</p> <p>20 Q. What is the training of when you're</p> <p>21 supposed to activate your body cam?</p> <p>22 A. When you engage into like a contact with a</p> <p>23 citizen.</p> <p>24 But it wasn't uncommon for the supervisor</p> <p>25 or lieutenant on Safe Strip nights, if you're going</p>	<p>1 there any issues with the operation of your body</p> <p>2 camera not working?</p> <p>3 A. Not that I can recall.</p> <p>4 Q. And so, at the scene, you arrived at that</p> <p>5 time, you perceived officers providing aid to Tashii;</p> <p>6 is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. Were you getting any direction from anybody</p> <p>9 at the scene?</p> <p>10 A. No.</p> <p>11 Q. Was Sergeant Crumrine, to your knowledge,</p> <p>12 giving any direction?</p> <p>13 A. No. Not that I can recall, no.</p> <p>14 Q. Did anybody appear to you to be taking</p> <p>15 charge of the scene?</p> <p>16 A. No. Not that I can recall.</p> <p>17 Q. What does it mean when somebody says that</p> <p>18 the scene is dynamic?</p> <p>19 A. That there's multiple things going on.</p> <p>20 That not everyone's focus is going to be on the same</p> <p>21 place. There's going to be multiple things that</p> <p>22 likely need to be updated through a radio dispatch.</p> <p>23 Q. At what point, to your recollection, do you</p> <p>24 remember the scene not being dynamic anymore?</p> <p>25 A. After -- after like FIT and CIRT. That's</p>



Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

20 (Pages 74 to 77)

Page 74	Page 76
<p>1 Q. At that time, when you observed Tashii, did 2 you look at his pupils? 3 A. I don't recall. 4 Q. Did you remember feeling that he was under 5 the influence of narcotics when you first saw him? 6 A. No, I don't recall that. 7 Q. Prior to that time, had you ever arrested 8 anybody on the Strip for being under the influence of 9 a controlled substance? 10 A. I believe so. I can't remember specifics. 11 Q. Were you in the Venetian itself or were you 12 in the plaza? 13 A. Honestly, I know they connect, but I don't 14 know where the dividing line is. 15 Q. Okay. 16 A. I would presume the Venetian because of the 17 doors that we went in. 18 Q. Did Officer Lopera ever communicate to you 19 that he was going to do a pat-down of Tashii? 20 A. No. 21 Q. I understand it's probably been a long time 22 since you reviewed the body cam footage, but I want 23 to ask you your perception. 24 Have you watched Officer Lopera's body cam 25 footage?</p>	<p>1 Craig, you -- 2 MR. ANDERSON: Yeah, it's fine with me and 3 the witness. 4 THE VIDEOGRAPHER: The time is 5 approximately 11:58 a.m. We are going off the 6 record. 7 (A recess was taken.) 8 THE VIDEOGRAPHER: The time is 9 approximately -- wait till it changes -- the time is 10 approximately 12:11 p.m. We are going back on the 11 record. 12 13 EXAMINATION 14 BY MR. McNUTT: 15 Q. Officer Lif, my name is Dan McNutt. We met 16 out in the hallway before and at your prior 17 deposition. 18 A. Yes. 19 Q. I represent Ken Lopera. And just to avoid 20 any doubt, you're still under oath. 21 Do you understand that? 22 A. Yes. 23 Q. I've got just a few questions. I don't 24 think we'll take too long. I understand you're going 25 to a graveyard shift tonight.</p>
Page 75	Page 77
<p>1 A. Just what was played on the news and then 2 the Review Board. 3 Q. What is your understanding of how long it 4 takes to -- strike that. 5 Do you know what an LVNR is? 6 A. A lateral vascular neck restraint. 7 Q. How long is it supposed to be imposed 8 before it takes effect, to your knowledge? 9 A. It's fairly quick. I'd say within 10 10 seconds or less. 11 Q. And when you say, "take effect," that means 12 like put them out? 13 A. Correct. 14 Q. Were you ever taught in the academy or at 15 Metro in any kind of training prior to this incident 16 the difference between a LVNR and a rear naked choke? 17 A. Not that I recall. 18 They make sure you understand in detail the 19 LVNR and the purpose and how it takes effect. 20 Q. Okay. All right. 21 I don't have any further questions. 22 MR. McNUTT: Why don't we take a quick 23 break and push through lunch? 24 MR. LAGOMARSINO: Yeah. 25 MR. McNUTT: It's fine with me.</p>	<p>1 A. Take your time. 2 Q. Okay. We'll try to be as efficient as 3 possible. 4 You testified earlier that you gave several 5 statements. One was a FIT statement; is that right? 6 A. Yes. 7 Q. And that came before your CIRT statement, 8 correct? 9 A. Correct. 10 Q. And if I recall correctly, your FIT 11 statement occurred the night of the incident around 12 May 14th, 2017? 13 A. Yes. 14 Q. Do you recall that you identified Tashii 15 Farmer or at that time, as you referred to him, as a 16 BMA? 17 A. Um-hum. 18 Q. What is a BMA? 19 A. Black male adult. 20 Q. You identified the BMA as, quote, profusely 21 sweating? 22 A. Yes. 23 Q. Do you recall that? 24 A. Yes. 25 Q. And why did you identify him as or define</p>

All-American Court Reporters (702) 240-4393

www.aacrlv.com

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

21 (Pages 78 to 81)

Page 78	Page 80
<p>1 him as being profusely sweating? What does that mean</p> <p>2 to you?</p> <p>3 A. Visible beads of sweat, I'd say. I should</p> <p>4 have elaborated that, and I mean visible beads of</p> <p>5 sweat. Rolling sweat beads.</p> <p>6 Q. Okay.</p> <p>7 A. Maybe like you can see it through clothes.</p> <p>8 Q. And is that your definition just generally,</p> <p>9 or is that the definition of what you saw on Tashii</p> <p>10 Farmer?</p> <p>11 A. That's my definition generally. That's if</p> <p>12 I were to be sweating and there's rolling beads of</p> <p>13 sweat and my clothes have sweat marks on them, to me,</p> <p>14 that's profusely sweating. To me.</p> <p>15 Q. So to your recollection -- you said that</p> <p>16 Tashii Farmer was sweating profusely. What did you</p> <p>17 see?</p> <p>18 A. Rolling beads of sweat.</p> <p>19 Q. Okay. And was his clothing physically</p> <p>20 sweaty as well?</p> <p>21 A. Not that I can recall. I --</p> <p>22 Q. Do you -- I'm sorry.</p> <p>23 A. Just not that I can recall right now, no.</p> <p>24 Q. Do you recall what he was wearing?</p> <p>25 A. I think it was like a black or dark color,</p>	<p>1 A. I'd say it would be more subjective.</p> <p>2 Q. So if somebody is not speaking at all but</p> <p>3 completely naked in the middle of the Strip, you may</p> <p>4 make a judgment that they are suffering --</p> <p>5 A. That's a good indicator, yes.</p> <p>6 I'm sorry to interrupt you.</p> <p>7 Q. That's okay.</p> <p>8 Or alternatively, it could be a variety of</p> <p>9 factors that would draw you to that conclusion?</p> <p>10 A. Yes.</p> <p>11 Q. Are any of those things dispositive as a</p> <p>12 patrol officer, or are they simply your perception at</p> <p>13 the time?</p> <p>14 A. I guess I don't understand what you mean.</p> <p>15 Q. Well, you're not a psychiatrist or medical</p> <p>16 doctor, correct?</p> <p>17 A. Correct.</p> <p>18 Q. So you're not technically qualified to</p> <p>19 diagnose them?</p> <p>20 A. Correct.</p> <p>21 Q. So back to my question.</p> <p>22 Your suspicions are not dispositive of</p> <p>23 their condition, it's just what you perceive at the</p> <p>24 time, correct?</p> <p>25 A. Correct.</p>
Page 79	Page 81
<p>1 like maybe dark navy T-shirt and jeans.</p> <p>2 Q. Would that have made it more difficult to</p> <p>3 see sweat on his clothes or at least his shirt?</p> <p>4 A. Possibly.</p> <p>5 Q. You stated in your CIRT statement that</p> <p>6 there were several -- there's a variety of factors to</p> <p>7 use in identifying excited delirium, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know what they are?</p> <p>10 A. I guess excessive sweating, nudity,</p> <p>11 irrational speech, random, I guess, sentences put</p> <p>12 together. That's all I can recall.</p> <p>13 Q. And in your CIRT statement, you identified</p> <p>14 that he was showing two of those signs.</p> <p>15 What were they?</p> <p>16 A. It was sweating and I guess not making</p> <p>17 sense about maybe why he needed to go to valet or</p> <p>18 asking to go to valet.</p> <p>19 Q. And was it also paranoia?</p> <p>20 A. Possibly, yes.</p> <p>21 Q. Is there a certain amount of elements that</p> <p>22 you have to have in order to determine that someone</p> <p>23 is under the -- suffering from excited delirium, or</p> <p>24 is it simply a subjective test that you as an officer</p> <p>25 make?</p>	<p>1 Q. So sitting here today, can you say with</p> <p>2 certainty that Tashii Farmer was not suffering from</p> <p>3 excited delirium?</p> <p>4 A. Not with certainty.</p> <p>5 Q. And at the time, in fact that evening, you</p> <p>6 thought her was in fact exhibiting certain signs of</p> <p>7 excited delirium, correct?</p> <p>8 A. Correct.</p> <p>9 Q. When you and your partner, Ken Lopera,</p> <p>10 first encountered Tashii Farmer, what was your</p> <p>11 proximity from Officer Lopera?</p> <p>12 A. Probably within a few feet from each other.</p> <p>13 Q. So you were essentially walking together?</p> <p>14 A. Yes.</p> <p>15 Q. And I think you testified earlier that you</p> <p>16 left the Coffee Bean and you were walking to some</p> <p>17 area of the casino, correct?</p> <p>18 A. Correct.</p> <p>19 Q. And Tashii Farmer in fact approached the</p> <p>20 two of you, correct?</p> <p>21 A. Correct.</p> <p>22 Q. But in your CIRT statement, you said that</p> <p>23 he was primarily -- he being Tashii Farmer -- was</p> <p>24 primarily directing his attention to Ken Lopera; is</p> <p>25 that right?</p>

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

23 (Pages 86 to 89)

Page 86	Page 88
<p>1 Is that fair?</p> <p>2 A. That's fair.</p> <p>3 Q. So it's not directed towards illegal</p> <p>4 narcotics, the effects of those?</p> <p>5 A. Correct. Yes.</p> <p>6 Q. But you hesitated, so I'm guessing that</p> <p>7 sometimes illegal narcotics is a part of a mental</p> <p>8 illness on occasion?</p> <p>9 A. On occasion, yes.</p> <p>10 Q. Can the effects of being under the</p> <p>11 influence of a controlled substance be misinterpreted</p> <p>12 as mental illness and vice versa?</p> <p>13 A. Yes, that's fair.</p> <p>14 Q. Is it a crime to be under the influence of</p> <p>15 a controlled substance in the State of Nevada?</p> <p>16 A. Yes.</p> <p>17 Q. Is it a crime to trespass in the State of</p> <p>18 Nevada?</p> <p>19 A. It is not a crime, no. NRS 207.200.</p> <p>20 Q. What about NRS 202?</p> <p>21 A. I'm not aware of right now.</p> <p>22 Q. Is it a crime to carjack a vehicle in the</p> <p>23 State of Nevada?</p> <p>24 A. Yes.</p> <p>25 Q. So when Officer Lopera handed you his</p>	<p>1 there's no perceived threat, I'm going to have both</p> <p>2 of my hands available.</p> <p>3 Q. Better situational awareness, better</p> <p>4 capability?</p> <p>5 A. Yes.</p> <p>6 Q. Yes as to both?</p> <p>7 A. Yes.</p> <p>8 Q. How long from the time that Tashii Farmer</p> <p>9 approached you and Officer Lopera until you lost</p> <p>10 sight of them where you said it was around the</p> <p>11 corner? What was that rough timeline?</p> <p>12 A. Oh. Maybe approximately like 30 seconds to</p> <p>13 a minute. I honestly can't recall.</p> <p>14 Q. Okay. So that's just an estimate? We all</p> <p>15 understand it's been two years.</p> <p>16 MR. LAGOMARSINO: Dan, can I just take a</p> <p>17 pretty quick break?</p> <p>18 MR. McNUTT: Sure.</p> <p>19 MR. LAGOMARSINO: I need to get up. Just</p> <p>20 give me two minutes.</p> <p>21 MR. McNUTT: Okay.</p> <p>22 THE VIDEOGRAPHER: The time is</p> <p>23 approximately 12:24 p.m. We are going off the</p> <p>24 record.</p> <p>25 (A brief recess was taken.)</p>
Page 87	Page 89
<p>1 coffee, what did that indicate to you was</p> <p>2 Officer Lopera's intention, if any?</p> <p>3 A. I think he was just trying to give more --</p> <p>4 stand at a more like a -- like a stance of what we</p> <p>5 were trained, I guess, it's a basic ready stance</p> <p>6 where, you know, he could be ready for anything if it</p> <p>7 were to happen.</p> <p>8 Q. So if you're having an interaction with an</p> <p>9 individual and you decide that you need both hands</p> <p>10 available, is there something that's prompted you to</p> <p>11 make that determination?</p> <p>12 A. It's just my training.</p> <p>13 Q. So Metro has a policy that says put down</p> <p>14 your coffee when you're talking to a civilian?</p> <p>15 A. I don't think they have a policy for that</p> <p>16 specifically.</p> <p>17 It's what I revert to back to my training,</p> <p>18 and I would only presume that he was doing the same.</p> <p>19 Q. So would it be fair to say that from your</p> <p>20 perception -- I mean -- let me strike that.</p> <p>21 If Ken would not have handed you your</p> <p>22 coffee, would you have put your coffee down?</p> <p>23 A. Yes. I try not to have anything in my</p> <p>24 hands. Even if it's a traffic stop with, you know,</p> <p>25 just a, I guess a regular citizen, you know, whether</p>	<p>1 THE VIDEOGRAPHER: The time is</p> <p>2 approximately 12:25 p.m. We are going back on the</p> <p>3 record.</p> <p>4 BY MR. McNUTT:</p> <p>5 Q. At the time of the incident, May 14th,</p> <p>6 2017, had you ever arrested anybody that was under</p> <p>7 the influence of a controlled substance?</p> <p>8 A. I can't recall any specifics, but I would</p> <p>9 presume that I have.</p> <p>10 Q. If you said in your CIRT report that you</p> <p>11 had not, would you go with that answer?</p> <p>12 A. Yes.</p> <p>13 Q. A little bit out of order, but when</p> <p>14 Mr. Lagomarsino was questioning you, he asked you how</p> <p>15 long it should take to subdue somebody or apprehend</p> <p>16 somebody using a lateral vascular neck restraint.</p> <p>17 Do you remember that?</p> <p>18 A. Yes.</p> <p>19 Q. And you said something less than</p> <p>20 10 seconds, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Is that based on your training?</p> <p>23 A. Yes.</p> <p>24 Q. And did they also tell you during your</p> <p>25 training that if somebody was stronger than you or</p>

All-American Court Reporters (702) 240-4393

www.aacrly.com

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

25 (Pages 94 to 97)

Page 94

1 If I use any of those words, I'm talking  
2 about the restricted area into which Tashii Farmer  
3 ran.  
4 Is that okay?  
5 A. Yes.  
6 Q. In your CIRT statement, you identified it  
7 as an employee-only area.  
8 Is that accurate?  
9 MR. LAGOMARSINO: Hold on a second, sorry.  
10 I'm going to object to the form.  
11 MR. McNUTT: Okay.  
12 BY MR. McNUTT:  
13 Q. Do you recall that testimony?  
14 A. Yes.  
15 Q. What informed you that it was an  
16 employee-only area looking at it?  
17 A. At that time or now post --  
18 Q. If you can separate them, then at that  
19 time, at the time of your statement, you said it was  
20 an employee-only area.  
21 A. Because there were workers working on the  
22 floors.  
23 Q. Did that hallway look physically different  
24 to you than what's normally seen inside a casino  
25 where patrons are allowed to go?

Page 96

1 AL is your initials on the CIRT statement, "We did  
2 have --" the question is, "Does your custody plan  
3 change at that point?" Your answer was, quote, "We  
4 did have a custody plan," end quote.  
5 And it never really gets explained there,  
6 so that's why I'm asking now.  
7 A. Okay.  
8 Q. Do you remember what your custody plan was?  
9 A. I do not.  
10 Q. You also identified that there were four  
11 criteria for a legal 2000.  
12 Do you recall what those are?  
13 And please understand this is not a test,  
14 but I'm entitled to your best understanding of what  
15 those four criteria are.  
16 I mean, here you were pretty confident, you  
17 said there were four criteria, et cetera. So please  
18 tell me what they are.  
19 A. I guess show signs of self-mutilation,  
20 threats to others or themselves. I guess inability  
21 to provide the basic needs of clothing, food, and  
22 shelter. And I can't remember the fourth one.  
23 Q. Okay. And -- okay, fair enough.  
24 If it comes back to you, let me know.  
25 A. Okay.

Page 95

1 A. Yeah. I believe the flooring was  
2 different.  
3 Q. The flooring is different, the lighting is  
4 different, all those types of things?  
5 A. I don't recall lighting. Flooring, I'll  
6 definitely say the flooring.  
7 Q. But pretty rare to have fluorescent  
8 lighting inside a casino floor?  
9 MR. LAGOMARSINO: Objection, form.  
10 BY MR. McNUTT:  
11 Q. Not quite the ambiance they're looking for,  
12 correct?  
13 A. Um-hum.  
14 MR. LAGOMARSINO: Same objection.  
15 BY MR. McNUTT:  
16 Q. On page 26 of your CIRT statement, you said  
17 that, "We did have a custody plan."  
18 What was your custody plan for Tashii  
19 Farmer?  
20 A. Well, we had never discussed prior to  
21 specifically that interaction with Mr. Farmer, and  
22 honestly, I don't remember the custody plan --  
23 Q. Okay.  
24 A. -- that we had or talked about.  
25 Q. I'll just reference LVMPD 1745, page 26.

Page 97

1 Q. Is it your testimony that an individual  
2 showing signs of -- that's profusely sweating,  
3 showing signing of paranoia that then runs into a  
4 restricted area is not someone that should be further  
5 interrogated by the police?  
6 MR. LAGOMARSINO: Objection, form.  
7 THE WITNESS: I'm afforded officer  
8 discretion, especially on nights of Safe Strip where  
9 I guess it would be more appropriate for me to have  
10 my time available for someone who is going to be a  
11 victim of a crime such as a battery or an assault.  
12 So specifically, did he go in a restricted  
13 area? Sure. After all the videos, I can see that,  
14 yes. But I have officer discretion whether to engage  
15 or disengage into a foot pursuit or not and had it  
16 was, how it would be.  
17 I still don't think I was in a foot  
18 pursuit.  
19 BY MR. LAGOMARSINO:  
20 Q. So you have officer discretion. Does  
21 Officer Lopera have officer discretion?  
22 A. All officers do.  
23 Q. All officers do, correct?  
24 A. Yes.  
25 Q. So are you saying that Officer Lopera was

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

26 (Pages 98 to 101)

Page 98	Page 100
<p>1 from a policy perspective or a legal perspective 2 wrong for following Tashii Farmer into that 3 restricted area? 4 A. I don't think he was -- he was wrong, but 5 he had conversations with Mr. Farmer that I was not 6 privy to when I had stepped away, so I don't if there 7 was anything that had transpired beyond that that I 8 wasn't aware of. 9 Q. And so, essentially then, he had more 10 information than you did, correct? 11 A. Yes. 12 Q. It's also a fact that you testified at your 13 CIRT statement that you've never seen -- and you said 14 that here today -- you never saw Tashii Farmer's 15 pupils? 16 A. Yes -- 17 Q. Do you remember that? 18 A. -- I don't recall seeing his pupils. 19 Q. What would be important about seeing his 20 pupils? 21 A. Like if they're dilated or if they're -- I 22 don't know what medical term. If they're large or 23 small. 24 Q. And what would that indicate -- would that 25 potentially indicate to you that the suspect was</p>	<p>1 Q. If you believe somebody that was under the 2 influence of a controlled substance, you as an 3 officer have reasonable suspicion to stop him, 4 correct? 5 A. Yes. 6 Q. "Yes"? 7 A. Yes. 8 Q. If you as an officer see somebody running 9 through a restricted area inside a casino and you're 10 on Safe Strip, you have the discretion to stop that 11 individual, correct? 12 A. Yes. 13 Q. Meaning you have the reasonable suspicion 14 to do so, correct? 15 A. Correct. 16 Q. If Officer Lopera is the contact and you're 17 the cover, so you're manning the radios, what is 18 Metro's policy when you know your partner is in a 19 foot pursuit, is there a policy of what you're 20 supposed to do on the radio? 21 A. The primary officer is responsible for 22 giving out the description of a crime, the direction 23 of travel. 24 Q. Okay. And so, but if you don't hear him 25 doing that, is there a policy for what the cover</p>
Page 99	Page 101
<p>1 under the influence of a controlled substance? 2 A. Yes. 3 Q. That's one of the indicators, correct? 4 A. Yes. 5 Q. Which is a crime in the State of Nevada? 6 A. Yes. 7 Q. So you testified that you did not think 8 officer -- excuse me -- Tashii Farmer was a threat to 9 himself, correct? 10 A. Correct. 11 Q. And you did not -- you testified that you 12 did not think he was a threat to you, correct? 13 A. Correct. 14 Q. Did you think he was a threat to anyone? 15 A. Not at that time, no. 16 Q. Okay. If you believed that he was under 17 the influence of a controlled substance when you saw 18 him run into a restricted area, would that cause you 19 to follow him? 20 A. It could, but again, I have the discretion 21 not to. 22 Q. Right, but it would also -- you could 23 articulate that that's reasonable suspicion to follow 24 him and to stop him, correct? 25 A. Yes.</p>	<p>1 should do? 2 A. Say that we're separated? 3 Q. Okay. 4 A. Yes. But I don't know what direction they 5 went. Maybe at best, the crime would be trespassing 6 from my perception. 7 Q. No, I wasn't going to that. I was asking 8 actually what you answered. 9 Is there some SOP, standard operating 10 procedure, where you say, hey, I'm separated from my 11 partner, we had, you know, an interaction with a 12 suspect, and I don't know what is going on. I just 13 didn't know if there was a policy like that? 14 A. Yes, that's what I got written up for 15 contact for, not getting out the radio traffic saying 16 that my partner and I were separated. 17 Q. Okay. Got you. Thank you. 18 When we talked about that earlier, I 19 thought it was restricted to not turning on the 20 body-worn cam. 21 So it was two things? 22 A. I guess I don't understand. Two things for 23 what? That I got a contact for? 24 Q. Yeah, when you said you got written up -- 25 A. I got the contact for not leaving on the</p>



Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

30 (Pages 114 to 117)

Page 114	Page 116
<p>1 putting it out.</p> <p>2 I didn't hear anything, I heard the Code</p> <p>3 Red.</p> <p>4 Policy says that once the Code Red is</p> <p>5 started, it's for the officer who initiated it. I</p> <p>6 wasn't there to give out radio traffic, you know.</p> <p>7 Q. Right, so I think we're pretty clear on it,</p> <p>8 but correct me if I'm wrong, once an officer calls</p> <p>9 Code Red, everybody is supposed to stay off the</p> <p>10 channel so he can talk?</p> <p>11 A. Unless it's pertinent to --</p> <p>12 Q. Him?</p> <p>13 A. Correct.</p> <p>14 Q. There's been testimony in this case by</p> <p>15 Detective Kasey Kirkegard.</p> <p>16 A. Um-hum.</p> <p>17 Q. Do you know who she is?</p> <p>18 A. Just through CIRT.</p> <p>19 Q. She's a CIRT officer, right?</p> <p>20 A. Yes.</p> <p>21 Q. In fact, I think she participated in your</p> <p>22 CIRT interview, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And she testified that the radios did in</p> <p>25 fact work in that area of the back of the house.</p>	<p>1 him.</p> <p>2 A. During my interaction, no. Maybe the use</p> <p>3 of drugs if I saw his pupils, but the mental illness,</p> <p>4 no.</p> <p>5 Q. Right, because that's not a crime?</p> <p>6 A. Correct.</p> <p>7 Q. But if your partner, Ken Lopera, who did --</p> <p>8 well, it would appear that his body cam saw Tashii</p> <p>9 Farmer's pupils, and you testified that you did not.</p> <p>10 If he perceived that Tashii Farmer was</p> <p>11 under the influence of a controlled substance, then</p> <p>12 he would in fact have reasonable suspicion and</p> <p>13 probable cause, correct?</p> <p>14 MR. LAGOMARSINO: Objection, form,</p> <p>15 foundation.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MR. McNUTT:</p> <p>18 Q. Let me just break it down.</p> <p>19 He would have reasonable suspicion to stop</p> <p>20 Tashii Farmer, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And he would have probable cause to arrest</p> <p>23 Tashii Farmer, correct?</p> <p>24 A. For?</p> <p>25 Q. For being under the influence of a</p>
Page 115	Page 117
<p>1 Are you aware of that at all?</p> <p>2 A. I wasn't aware.</p> <p>3 Q. So my question is simply, if I didn't make</p> <p>4 it clear earlier, did you attempt to contact Ken or</p> <p>5 just because you were in the back house you didn't</p> <p>6 even try?</p> <p>7 A. Yeah, I did not. It was under the</p> <p>8 presumption that they wouldn't work, but I never</p> <p>9 attempted.</p> <p>10 Q. Okay. You testified reasonable suspicion</p> <p>11 for a stop, as an officer in Nevada, you can actually</p> <p>12 detain somebody for up to 60 minutes, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Without probable cause?</p> <p>15 A. Correct.</p> <p>16 Q. In response to a question was there any</p> <p>17 reasonable suspicion that Tashii Farmer had committed</p> <p>18 a crime, you said no.</p> <p>19 Do you remember that?</p> <p>20 A. I guess with more of the context.</p> <p>21 Q. Let me ask you this: Do you think there</p> <p>22 was reasonable suspicion to believe that Tashii</p> <p>23 Farmer had committed a crime?</p> <p>24 A. When he first approached us?</p> <p>25 Q. At any point during your interaction with</p>	<p>1 controlled substance.</p> <p>2 A. Correct.</p> <p>3 Q. You testified in response to</p> <p>4 Mr. Lagomarsino's questioning that you did not</p> <p>5 perceive Tashii Farmer to be mentally ill based on</p> <p>6 your brief interaction with him.</p> <p>7 Is that fair?</p> <p>8 A. That's fair.</p> <p>9 Q. Okay. So if he wasn't -- sitting here</p> <p>10 today, if he wasn't mentally ill, what would cause</p> <p>11 him to be profusely sweating and erratic behavior and</p> <p>12 act paranoid?</p> <p>13 A. The fact that he stated that he ran across</p> <p>14 the boulevard and that someone was chasing him.</p> <p>15 Q. Does physical exertion give rise to</p> <p>16 paranoia?</p> <p>17 MR. LAGOMARSINO: Form, foundation.</p> <p>18 THE WITNESS: I'm not completely familiar</p> <p>19 with, I guess, the essentials of paranoia. So</p> <p>20 possibly, but I can't say for sure. I'm not --</p> <p>21 BY MR. McNUTT:</p> <p>22 Q. You testified in your CIRT statement that</p> <p>23 he nailed two of the elements of excited delirium,</p> <p>24 one was profusely sweating and one was paranoia?</p> <p>25 A. Yes.</p>

All-American Court Reporters (702) 240-4393

www.aacrlv.com

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

34 (Pages 130 to 133)

Page 130	Page 132
<p>1 Q. Okay.</p> <p>2 A. I can't remember exactly where.</p> <p>3 Q. And you're seeing the back of</p> <p>4 Officer Lopera's uniform?</p> <p>5 A. Yes.</p> <p>6 Q. So now, he's taken the left and he's</p> <p>7 continuing down this other hallway.</p> <p>8 So we'll just stop it right there, and</p> <p>9 we're stopped at 34 seconds.</p> <p>10 What did you do after you saw the back of</p> <p>11 his uniform?</p> <p>12 A. I don't know where they went. So I don't</p> <p>13 know how much further behind that I was. I don't</p> <p>14 know.</p> <p>15 I didn't know there was a right-hand turn</p> <p>16 after that. I thought it immediately ran into a</p> <p>17 stairwell. So I tried to check doors and stuff to</p> <p>18 see if they had gone into anywhere else.</p> <p>19 Q. Okay. So let me break it down a little bit</p> <p>20 based on your testimony.</p> <p>21 You obviously went over the same very</p> <p>22 slippery area?</p> <p>23 A. Correct.</p> <p>24 Q. I don't think I asked this. Did you see</p> <p>25 Ken fall? In person, not on the video.</p>	<p>1 doors and see if they had gone into anywhere else.</p> <p>2 Q. Okay. I just backed it up to 23 which is</p> <p>3 about where he fell, where he's getting back up from</p> <p>4 falling.</p> <p>5 So I want to watch it now that we've got</p> <p>6 that testimony and so we can put it in context where</p> <p>7 you last saw him, "him" being Ken Lopera.</p> <p>8 So he takes a left. You took that same</p> <p>9 left?</p> <p>10 A. I'm going to say yes.</p> <p>11 Q. I'm sorry?</p> <p>12 A. I believe so, yes.</p> <p>13 Q. And there's a Pepsi machine on the right</p> <p>14 and some more cones. We're around 35 to 45 seconds</p> <p>15 variously.</p> <p>16 Do you recall seeing that part?</p> <p>17 A. I do not.</p> <p>18 Q. Okay. Now Ken is going through a door, and</p> <p>19 you don't recall --</p> <p>20 A. I don't recall.</p> <p>21 Q. -- any of this?</p> <p>22 A. No.</p> <p>23 Q. Okay. So all of this, you've only seen</p> <p>24 from --</p> <p>25 A. From his -- I don't recall I ever went to</p>
Page 131	Page 133
<p>1 A. No, not that I remember.</p> <p>2 Q. Okay.</p> <p>3 A. I mean, clearly, it's happened. It's in</p> <p>4 every video that I've seen on this.</p> <p>5 Q. No question. So the last time you saw your</p> <p>6 partner, were you on that slippery area, were you</p> <p>7 past that slippery area? Can that put it in context?</p> <p>8 A. I don't remember if I was on or past it. I</p> <p>9 don't know. I don't remember.</p> <p>10 Q. Okay. So the last thing you saw was</p> <p>11 Ken Lopera taking this left --</p> <p>12 A. Yes.</p> <p>13 Q. -- around the bend or around the corner, as</p> <p>14 you've testified, right?</p> <p>15 A. Yes.</p> <p>16 Q. Did you follow down that hallway and go to</p> <p>17 the left as well?</p> <p>18 A. Yes. That's the last I saw them.</p> <p>19 Q. Okay. And then, so when you got around the</p> <p>20 bend, then what?</p> <p>21 A. From what I remember without seeing the</p> <p>22 video that it turned right into the stairwell. And</p> <p>23 on the video, it clearly shows that there's another</p> <p>24 right-hand turn.</p> <p>25 But at some point, I started to check the</p>	<p>1 any stairs. I could have. I know, at some point, I</p> <p>2 was in an elevator, and I don't remember how I got</p> <p>3 there.</p> <p>4 Q. Okay. So at 1:01, 1:02, he obviously calls</p> <p>5 your name?</p> <p>6 A. Yes.</p> <p>7 Q. You never heard that?</p> <p>8 A. No.</p> <p>9 Q. Okay. So you just heard Officer Lopera say</p> <p>10 "Somebody running," correct?</p> <p>11 A. Um-hum.</p> <p>12 Q. And we know that he was saying that to a</p> <p>13 Venetian security guard.</p> <p>14 Have you heard that part?</p> <p>15 A. I didn't know that. I know the security</p> <p>16 guards are all down there. I didn't know that was</p> <p>17 who he was speaking to.</p> <p>18 Q. That's been made pretty clear.</p> <p>19 So all of that part after you said you saw</p> <p>20 him turn that left corner, by the time you got to</p> <p>21 that corner or that bend, he was no more in your</p> <p>22 purview --</p> <p>23 A. Yes.</p> <p>24 Q. -- and you never heard him call your name?</p> <p>25 A. Correct.</p>

All-American Court Reporters (702) 240-4393

www.aacrlv.com

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

35 (Pages 134 to 137)

Page 134	Page 136
<p>1 Q. Or you never heard him call your name?</p> <p>2 A. Correct.</p> <p>3 Q. Now, I'm just going to show just a few more</p> <p>4 seconds to orient you on the area that Ken came out</p> <p>5 in terms of that street.</p> <p>6 Is this the area where you said you were --</p> <p>7 do you remember where you -- wait. Strike all that.</p> <p>8 Does seeing this at all refresh your</p> <p>9 recollection about where you exited the Venetian?</p> <p>10 A. No.</p> <p>11 Q. Okay.</p> <p>12 A. That entire drive is probably the better</p> <p>13 part of 300-plus meters that looks exactly the same</p> <p>14 with the crosses and the...</p> <p>15 Q. Okay. Okay.</p> <p>16 So a little hard to see, but take my word</p> <p>17 for it, that's Tashii Farmer in the frame, correct?</p> <p>18 A. Okay.</p> <p>19 Q. You heard Ken's voice, "Stop, don't move"?</p> <p>20 A. Yes.</p> <p>21 Q. And we're at 1 minute 34, and we see the</p> <p>22 white Toyota truck in the frame too, right?</p> <p>23 A. Yes.</p> <p>24 Q. Is Officer Lopera's command a lawful</p> <p>25 command at that point?</p>	<p>1 weapons, correct?</p> <p>2 A. Correct.</p> <p>3 Q. So Officer --</p> <p>4 MR. LAGOMARSINO: Hold on.</p> <p>5 I'm just going to lodge an ongoing</p> <p>6 objection as to what her testimony is as to what</p> <p>7 Officer Lopera thought or did or didn't do as a</p> <p>8 result of what he may have thought.</p> <p>9 BY MR. McNUTT:</p> <p>10 Q. So at this point, one TASER strike has</p> <p>11 occurred and Tashii Farmer is on his back, correct?</p> <p>12 A. Yes.</p> <p>13 Q. And Officer Lopera before the objection</p> <p>14 just said, "Don't move," correct?</p> <p>15 A. Yes.</p> <p>16 Q. And if you want me to back it up, we can</p> <p>17 replay that.</p> <p>18 A. He said, "Don't move."</p> <p>19 Q. That's a lawful command, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Now, what is Tashii Farmer doing after</p> <p>22 Ken Lopera said, "Don't move"?</p> <p>23 A. He's trying to stand up.</p> <p>24 Q. Is that complying with a lawful command?</p> <p>25 A. No.</p>
Page 135	Page 137
<p>1 A. Yes.</p> <p>2 Q. Tell me if Tashii Farmer complies with that</p> <p>3 lawful command.</p> <p>4 Is it per policy to warn somebody they're</p> <p>5 going to get tased before they get tased?</p> <p>6 A. I believe if it's reasonable.</p> <p>7 Q. So meaning you don't have to if you don't</p> <p>8 have time, correct?</p> <p>9 A. I can't recall verbatim. In my</p> <p>10 understanding, I believe if it's reasonable, you do</p> <p>11 it.</p> <p>12 Q. Okay. So at this point, from what you've</p> <p>13 seen on the body cam and what you know from your</p> <p>14 first-person experience up until you didn't have a</p> <p>15 first-person experience, Tashii Farmer has never been</p> <p>16 checked for weapons, correct?</p> <p>17 A. Correct.</p> <p>18 Q. So if Officer Lopera's perspective is that</p> <p>19 this is an individual under the influence of a</p> <p>20 controlled substance that fled down a restricted area</p> <p>21 of a casino and was not listening to his lawful</p> <p>22 command at that point, correct?</p> <p>23 A. Correct.</p> <p>24 Q. And Officer Lopera at this point also</p> <p>25 doesn't know whether or not Tashii Farmer has any</p>	<p>1 Q. If you were that officer, would you cycle</p> <p>2 the TASER again?</p> <p>3 A. No.</p> <p>4 Q. You wouldn't?</p> <p>5 A. He's at a tactical advantage where he can</p> <p>6 go hands on at that point.</p> <p>7 Q. So you think Officer Lopera by himself</p> <p>8 should have at this point dropped the TASER and gone</p> <p>9 hands on with Tashii Farmer?</p> <p>10 A. It was an option. He already cycled it one</p> <p>11 time and it was rendered ineffective. It didn't get</p> <p>12 the five seconds -- it didn't get the NMI or the</p> <p>13 neuromuscular incapacitation.</p> <p>14 Q. And so, you think that it's reasonable --</p> <p>15 well, let me just ask you.</p> <p>16 That's what would you have done, correct?</p> <p>17 A. That's what I would have done.</p> <p>18 Q. Is it unreasonable for another officer to</p> <p>19 cycle the TASER again?</p> <p>20 A. No.</p> <p>21 Q. And it's still per policy you can do that,</p> <p>22 right?</p> <p>23 A. For three times, yes.</p> <p>24 Q. Isn't it true that an officer alone can</p> <p>25 actually cycle the TASER more if necessary?</p>

All-American Court Reporters (702) 240-4393

www.aacrlv.com

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

37 (Pages 142 to 145)

Page 142

1 carry weapons is in their waistband.  
 2 Q. So in your training, when you hear somebody  
 3 say they will comply but they physically aren't  
 4 complying, so their mouth is doing something  
 5 different than their hands, what do you pay attention  
 6 to as an officer?  
 7 A. Their hands.  
 8 Q. It's what they're doing that matters more  
 9 than what they're saying, correct?  
 10 A. Yes.  
 11 Q. And you would agree with me that although  
 12 Tashii Farmer is saying that he will comply where he  
 13 says, "I will," he is in fact not complying, correct?  
 14 A. Correct.  
 15 Q. So at this point, Officer Lopera does go  
 16 hands on, correct?  
 17 A. Yes.  
 18 Q. And you can clearly see at 2:05 in the tape  
 19 that Officer Lopera's left hand is grabbing Tashii  
 20 Farmer, correct?  
 21 A. Yes.  
 22 Q. Grabbing, it looks like, his left arm.  
 23 Would you agree with me?  
 24 A. Yes.  
 25 Q. Did you hear that other voice?

Page 144

1 A. Yes.  
 2 Q. Why is that?  
 3 A. The magnets to hold them on are weak at  
 4 best.  
 5 Q. And because Tashii Farmer is in contact  
 6 with another human being?  
 7 A. That's correct.  
 8 Q. Okay. Did you hear Officer Lopera say,  
 9 "Help me out"?  
 10 A. Yes.  
 11 Q. Have you ever asked a civilian for help in  
 12 a confrontation with a suspect?  
 13 A. Not that I can recall, no.  
 14 Q. Would that indicate to you that  
 15 Officer Lopera felt that he needed physical  
 16 assistance?  
 17 A. Yes.  
 18 Q. Do Metro officers lightly ask for  
 19 assistance from non-Metro officers or non-law  
 20 enforcement?  
 21 A. No.  
 22 Q. If you were at a stop and I was walking by  
 23 and you thought you needed help, would you ask a  
 24 lawyer in a suit to help you?  
 25 A. If I needed it.

Page 143

1 A. I don't know what it said, but I did hear  
 2 another voice.  
 3 Q. So in the police report, in the arrest  
 4 report, it says, "Okay, sir, okay, sir." It  
 5 identified this timestamp around 2:05 to 2:08. I  
 6 want to back it up and have you listen to it real  
 7 briefly again. A little imprecise on this. I want  
 8 you to listen for that "Okay, sir, okay, sir."  
 9 And my question is: Is that Tashii Farmer,  
 10 is it Ken Lopera, or is it a third party?  
 11 MR. LAGOMARSINO: Form, foundation.  
 12 THE WITNESS: I think it was Mr. Farmer.  
 13 BY MR. McNUTT:  
 14 Q. You think it's someone other -- it's not  
 15 Ken Lopera?  
 16 A. No, it's not Ken.  
 17 Q. Okay. The Venetian security guard  
 18 testified that that was him.  
 19 A. Okay.  
 20 Q. So I just wanted to know if that was  
 21 something that you could tell.  
 22 MR. LAGOMARSINO: Move to strike.  
 23 BY MR. McNUTT:  
 24 Q. At this point, the body cam is getting a  
 25 little shaky, right?

Page 145

1 Q. If you absolutely needed it, right?  
 2 A. Yes.  
 3 Q. But you wouldn't make that request lightly,  
 4 correct?  
 5 A. That's correct.  
 6 Q. Would you say that you were in fear of  
 7 physical harm in order to make that request?  
 8 A. Yes.  
 9 Q. Do you think Ken Lopera was in fear of  
 10 physical harm at this point where he asked someone  
 11 else to help him?  
 12 MR. LAGOMARSINO: Form, foundation.  
 13 THE WITNESS: Yes.  
 14 BY MR. McNUTT:  
 15 Q. So at this point, we're 2:22 on the tape,  
 16 and we see several other people around Tashii Farmer  
 17 and Ken Lopera, correct?  
 18 A. Yes.  
 19 Q. And we cannot see their faces.  
 20 And so, do you recognize their pants as  
 21 being Metro officer pants?  
 22 A. No.  
 23 Q. And we know from other depositions, there's  
 24 no secret here, that those are other Venetian  
 25 security guards.

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

38 (Pages 146 to 149)

Page 146	Page 148
<p>1 MR. LAGOMARSINO: Move to strike.</p> <p>2 BY MR. McNUTT:</p> <p>3 Q. But for our purposes, it's sufficient that</p> <p>4 you know -- or for your testimony, you would agree</p> <p>5 with me those are not LVMPD officers?</p> <p>6 A. Correct.</p> <p>7 Q. At this point, 2:22, can you see, tell me</p> <p>8 what physical position Tashii Farmer is in?</p> <p>9 A. He's sitting on the ground.</p> <p>10 Q. So he's sitting up, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Does it appear to you that Ken Lopera has</p> <p>13 got a couple feet between him or he's not in physical</p> <p>14 contact at that point?</p> <p>15 A. That's correct.</p> <p>16 Q. Do you think Tashii Farmer is complying</p> <p>17 with police orders at this point?</p> <p>18 MR. LAGOMARSINO: Form, foundation.</p> <p>19 THE WITNESS: I don't remember the last</p> <p>20 order that he gave, so I don't know if he's --</p> <p>21 BY MR. McNUTT:</p> <p>22 Q. Okay. We'll watch a little further.</p> <p>23 Hear that "Okay, sir, okay, sir" again?</p> <p>24 A. Yes.</p> <p>25 Q. Do you identify that as Officer Lopera?</p>	<p>1 someone intending to comply with lawful commands?</p> <p>2 A. They're not going to comply.</p> <p>3 Q. Is it reasonable for your partner,</p> <p>4 Ken Lopera, to put Tashii Farmer in a lateral</p> <p>5 vascular neck restraint at this point?</p> <p>6 A. Yes.</p> <p>7 MR. LAGOMARSINO: Foundation.</p> <p>8 BY MR. McNUTT:</p> <p>9 Q. Is it reasonable for Officer Lopera to use</p> <p>10 hand strikes on Tashii Farmer at this point?</p> <p>11 A. Yes.</p> <p>12 Q. Would it be reasonable for Tashii -- excuse</p> <p>13 me -- for Officer Lopera to use a baton to hit Tashii</p> <p>14 Farmer at this point?</p> <p>15 MR. LAGOMARSINO: Form, foundation.</p> <p>16 THE WITNESS: Yes.</p> <p>17 (End of excerpts from Officer</p> <p>18 Lopera's body-worn camera.)</p> <p>19 MR. McNUTT: I have no further questions.</p> <p>20 Thank you.</p> <p>21 MR. LAGOMARSINO: I've got some questions.</p> <p>22</p> <p>23 FURTHER EXAMINATION</p> <p>24 BY MR. LAGOMARSINO:</p> <p>25 Q. Do you need a break?</p>
Page 147	Page 149
<p>1 Just "Yes" or "No"?</p> <p>2 A. No.</p> <p>3 Q. Do you identify that as Tashii Farmer what</p> <p>4 you've heard so far?</p> <p>5 A. Yes.</p> <p>6 Q. Now, as we watch this, I want you to tell</p> <p>7 me if at any point you see or hear Tashii Farmer</p> <p>8 strike Ken Lopera.</p> <p>9 THE WITNESS: Can you play that back again,</p> <p>10 please.</p> <p>11 BY MR. McNUTT:</p> <p>12 Q. So we're at 2:37 where I stopped it --</p> <p>13 A. Yes.</p> <p>14 Q. -- and I'll play it back to 2:24.</p> <p>15 So tell me, on or about when you see or</p> <p>16 hear Tashii Farmer strike Ken Lopera.</p> <p>17 MR. LAGOMARSINO: Form, foundation.</p> <p>18 THE WITNESS: Right there.</p> <p>19 BY MR. McNUTT:</p> <p>20 Q. So around 2:34 on the tape, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Is striking an officer a crime in the State</p> <p>23 of Nevada?</p> <p>24 A. Yes.</p> <p>25 Q. Is striking an officer indicative of</p>	<p>1 A. (No audible response.)</p> <p>2 Q. If a police officer is violating a</p> <p>3 citizen's rights by using excessive force, is the</p> <p>4 citizen allowed to strike the officer in</p> <p>5 self-defense?</p> <p>6 MR. McNUTT: Objection --</p> <p>7 MR. ANDERSON: Objection, form.</p> <p>8 MR. McNUTT: -- inflammatory,</p> <p>9 argumentative.</p> <p>10 THE WITNESS: I'm not aware of that.</p> <p>11 BY MR. LAGOMARSINO:</p> <p>12 Q. So have you ever been trained at Metro that</p> <p>13 if an officer is violating a citizen's rights by</p> <p>14 using excessive force that the citizen is allowed to</p> <p>15 defend themselves by striking the officer?</p> <p>16 A. I don't recall.</p> <p>17 Q. I'm just going to jump around a little bit.</p> <p>18 So you had a question about Tashii Farmer</p> <p>19 reaching into the waistband and whether that could</p> <p>20 possibly be a weapon.</p> <p>21 Were the TASER prongs also in the area of</p> <p>22 his waist?</p> <p>23 A. Yes.</p> <p>24 Q. So was it also possible that -- did you</p> <p>25 interpret that to be Tashii trying to remove the</p>

All-American Court Reporters (702) 240-4393

www.aacrlv.com



Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

39 (Pages 150 to 153)

Page 150	Page 152
<p>1 TASER prongs from him, his waist?</p> <p>2 A. It's likely, but the way that I've been</p> <p>3 trained that that's the immediate area, both front</p> <p>4 and back, is common where weapons are placed.</p> <p>5 Q. Did you find -- strike that.</p> <p>6 You heard Ken Lopera make many commands,</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. Would you make commands in that fashion?</p> <p>10 A. Yes.</p> <p>11 Q. Did you find his commands to be confusing?</p> <p>12 MR. McNUTT: Objection, form.</p> <p>13 THE WITNESS: Yes. There wasn't -- I feel</p> <p>14 like there wasn't enough time given for compliance.</p> <p>15 BY MR. LAGOMARSINO:</p> <p>16 Q. When you looked in the beginning of the</p> <p>17 interaction, did you see the doors that went into the</p> <p>18 service area?</p> <p>19 A. Yes.</p> <p>20 Q. Did you see the big, bright red exit sign</p> <p>21 lit up above that door?</p> <p>22 A. I don't recall in the video.</p> <p>23 Q. Would a big, bright exit sign indicate to</p> <p>24 you that somebody can exit out that door?</p> <p>25 A. Yes.</p>	<p>1 A. Not to my knowledge.</p> <p>2 Q. What certifications do you have? I know</p> <p>3 you said you're crisis intervention. I guess let me</p> <p>4 rephrase.</p> <p>5 A. There's a handful.</p> <p>6 Q. Relevant to this case, what certifications</p> <p>7 do you have?</p> <p>8 A. None that come to mind other than the</p> <p>9 crisis intervention. But I haven't looked at my</p> <p>10 training, I guess, completions.</p> <p>11 Q. Okay. This is a question I'll ask, I'm not</p> <p>12 sure if you know the answer or not.</p> <p>13 If you're fired -- you made the</p> <p>14 reference -- not you, sorry.</p> <p>15 If an officer is fired, do they lose</p> <p>16 certain benefits as opposed to retiring?</p> <p>17 MR. McNUTT: Objection, form, foundation.</p> <p>18 THE WITNESS: To my knowledge, yes.</p> <p>19 BY MR. LAGOMARSINO:</p> <p>20 Q. And what do you base your knowledge on?</p> <p>21 A. Just from what I've heard what people do.</p> <p>22 Q. And you've heard that from Metro?</p> <p>23 A. I think just through, for lack of a better</p> <p>24 term, the grapevine.</p> <p>25 Q. Okay.</p>
Page 151	Page 153
<p>1 Q. There was some testimony early about where</p> <p>2 the people were who were cleaning.</p> <p>3 Have you ever been in a casino and seen</p> <p>4 employees cleaning in public areas?</p> <p>5 A. Yes. At the casino floor, vacuuming or --</p> <p>6 yes.</p> <p>7 Q. And the area where Officer Lopera was over</p> <p>8 by looked like some coolers where some drinks were?</p> <p>9 A. Yes.</p> <p>10 Q. I'm not asking you based on your</p> <p>11 recollection, I'm asking based on the video.</p> <p>12 A. On the video, yes.</p> <p>13 Q. And the cleaning equipment was actually in</p> <p>14 a public area, correct?</p> <p>15 A. Yes.</p> <p>16 Q. You had some questions about whether you're</p> <p>17 trained in the academy or not to recognize somebody</p> <p>18 who is under the influence of intoxicants or</p> <p>19 substances.</p> <p>20 Is there a specific designation called drug</p> <p>21 recognition expert for Metro?</p> <p>22 A. Yes.</p> <p>23 Q. Are you a drug recognition expert?</p> <p>24 A. No, sir, I am not.</p> <p>25 Q. Was Lopera, to your knowledge?</p>	<p>1 If you were in Officer Lopera's situation,</p> <p>2 what would you have done differently?</p> <p>3 MR. ANDERSON: Objection, form.</p> <p>4 MR. McNUTT: Join.</p> <p>5 THE WITNESS: Called in sick or a vacation</p> <p>6 day and not been to work.</p> <p>7 BY MR. LAGOMARSINO:</p> <p>8 Q. Besides that.</p> <p>9 A. Okay. Not follow it. I would have used</p> <p>10 discretion.</p> <p>11 Q. Do you feel like he abused his discretion?</p> <p>12 MR. McNUTT: Objection, form.</p> <p>13 MR. ANDERSON: Objection, form.</p> <p>14 THE WITNESS: I don't understand your</p> <p>15 question.</p> <p>16 BY MR. LAGOMARSINO:</p> <p>17 Q. Did you feel like Officer Lopera abused his</p> <p>18 discretion by following --</p> <p>19 A. Oh, abused discretion. I thought you said</p> <p>20 abused the question.</p> <p>21 Q. Sorry.</p> <p>22 A. Oh, abused discretion? I don't think</p> <p>23 abused is the right word. I think maybe there were</p> <p>24 other appropriate options.</p> <p>25 Q. What did Officer Lopera do, in your view,</p>

All-American Court Reporters (702) 240-4393

www.aacriv.com

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

40 (Pages 154 to 157)

Page 154

1 that was different from how you were trained to react  
2 when the situation became an altercation?

3 A. Control the hands. That was my main --  
4 that's why after the first cycle I said I would have  
5 gone hands on is to control the hands.

6 You can have -- you can have a knife in  
7 your ankle, you could be armed. If I control your  
8 hands, I'm going to be okay.

9 Q. Okay. Going back to the question about the  
10 custody plan in the transcript.

11 A. Yes.

12 Q. In reference to a different question, you  
13 said to me -- I'm not sure if the transcriptionist or  
14 recorder got it right -- is it possible that when you  
15 said, "We did it --" when it says on the paper, "We  
16 did have a custody plan," that you said, "We didn't  
17 have a custody plan"?

18 A. It's possible.

19 Q. Would you defer to the audio recording?

20 MR. McNUTT: Objection, form. Attempts to  
21 misstate a clear record.

22 THE WITNESS: I don't recall having --

23 MR. LAGOMARSINO: Oh, you've never seen  
24 somebody mess up a transcript before?

25 MR. McNUTT: Only this one.

Page 156

1 Q. It could not be an indicator, right? I  
2 mean, some people are just paranoid, right?

3 A. Yes.

4 Q. And if you had to arrest every person who  
5 was publicly intoxicated, which is a crime in the  
6 State of Nevada, correct, you would be arresting --  
7 you wouldn't stop arresting people on the Strip,  
8 correct?

9 A. Correct.

10 MR. LAGOMARSINO: I don't have any more  
11 questions at this point.

12 MR. McNUTT: Just a couple follow-ups.

#### 13 FURTHER EXAMINATION

14 BY MR. McNUTT:

15 Q. You said that there was not enough time for  
16 compliance with Ken Lopera's orders?

17 A. From my perception, but he might have had  
18 another impression that I didn't know. I mean,  
19 that's just what I would have done. That doesn't  
20 mean it's right or wrong or indifferent.

21 Q. So when Ken Lopera said, "Don't move"--

22 A. And he moved.

23 Q. -- and he moved, how long was Ken supposed  
24 to wait to see if he was going to comply?  
25

Page 155

1 MR. LAGOMARSINO: Okay.

2 THE WITNESS: I don't recall having a  
3 custody plan predetermined as of today.

4 BY MR. LAGOMARSINO:

5 Q. Now, there was a question, and I just want  
6 to make sure the record is clear, about -- Mr. McNutt  
7 asked what's he trying to do there, and you said,  
8 "Stand up."

9 When he was asking you that question, the  
10 video was paused, correct?

11 A. Yes.

12 Q. Farmer was not on his feet, correct?

13 A. Correct.

14 Q. It looked like he was sitting, correct?

15 A. Correct.

16 Q. If somebody is sweaty, does that mean  
17 they're suffering from excited delirium?

18 A. No.

19 Q. If somebody is paranoid, does that mean  
20 they're suffering from excited delirium?

21 A. No.

22 Q. If somebody is sweaty and paranoid, does  
23 that mean that somebody is suffering from excited  
24 delirium?

25 A. It could be an indicator.

Page 157

1 A. There's no set time.

2 Q. So when you give somebody an order and they  
3 immediately disobey it, you don't have to --

4 A. That's correct.

5 Q. -- wait, correct?

6 A. Correct.

7 Q. And if you told somebody to do a specific  
8 thing and you waited three to five seconds and they  
9 were disobeying that entire time, like between TASER  
10 cycles, would that be enough time?

11 A. Yes.

12 Q. Have you ever seen anybody -- let's go back  
13 to the question about -- when the video was paused.

14 When the video was paused, Tashii Farmer  
15 prior to that was laying on his back, correct?

16 A. Correct.

17 Q. And you said it looked like he was trying  
18 to stand up, correct?

19 A. Correct.

20 Q. Have you ever seen anyone not move through  
21 a sitting position to get to standing up from their  
22 back?

23 A. No.

24 Q. I mean, you have to have some intermediate  
25 position when you go from lying on your back to

All-American Court Reporters (702) 240-4393

www.aacrlv.com

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

41 (Pages 158 to 161)

Page 158	Page 160
<p>1 standing up, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Would you like to watch the video again to</p> <p>4 verify that you believe he was trying to stand up?</p> <p>5 A. No.</p> <p>6 Q. Out of the academy, is a Metro officer</p> <p>7 trained to identify indicators that a person is on</p> <p>8 drugs?</p> <p>9 A. Yes.</p> <p>10 Q. So you don't have to have any other</p> <p>11 specialized training, a uniformed officer on patrol</p> <p>12 is trained to identify somebody that's on drugs?</p> <p>13 A. Yes.</p> <p>14 Q. You said that the other options -- and you</p> <p>15 earlier said that he could have used his OC spray, he</p> <p>16 could have used his baton to strike someone, in this</p> <p>17 case Tashii Farmer, he could have used hand strikes?</p> <p>18 A. Yes.</p> <p>19 Q. Could have used the LVNR. All of those</p> <p>20 things would have been authorized by policy, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And you think all those things would have</p> <p>23 been okay for Ken Lopera to do, correct?</p> <p>24 A. Yes.</p> <p>25 Q. Let's just get --</p>	<p>1 A. Yes.</p> <p>2 Q. Do you know how big, tall or weight-wise</p> <p>3 Tashii Farmer --</p> <p>4 A. I don't recall exact. I believe he was</p> <p>5 taller than I was.</p> <p>6 Q. Okay. And is it your testimony that</p> <p>7 instead of using a TASER that would give you some</p> <p>8 feet of standoff that you would routinely go hands on</p> <p>9 with a male suspect that was taller and bigger than</p> <p>10 you?</p> <p>11 A. I wouldn't say routinely, but the way that</p> <p>12 his hands were placed, I felt like I could have had</p> <p>13 an advantage to do so.</p> <p>14 Q. But again, one officer can do one thing,</p> <p>15 one officer can do the other, they're both -- you can</p> <p>16 articulate them as to why you did that, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Neither one is wrong?</p> <p>19 A. Correct.</p> <p>20 Q. Do you know sitting here today whether or</p> <p>21 not Tashii Farmer was under the influence of a</p> <p>22 controlled substance?</p> <p>23 A. Now I know. Yes, today, I do know.</p> <p>24 Q. So in fact, if Officer Lopera perceived</p> <p>25 that Tashii Farmer was under the influence of a</p>
Page 159	Page 161
<p>1 THE VIDEOGRAPHER: Hold on, guys. Sorry.</p> <p>2 I just had an issue.</p> <p>3 (Pause in proceedings.)</p> <p>4 THE VIDEOGRAPHER: We're back on the</p> <p>5 record.</p> <p>6 MR. McNUTT: Okay.</p> <p>7 BY MR. McNUTT:</p> <p>8 Q. We were talking about other options, right,</p> <p>9 and you said control the hands, meaning do you -- is</p> <p>10 it your opinion in response to Mr. Lagomarsino's</p> <p>11 question that instead of cycling the TASER,</p> <p>12 Ken Lopera should have attempted to control Tashii</p> <p>13 Farmer's hands?</p> <p>14 A. He could have.</p> <p>15 Q. Okay, but it wasn't wrong for him to use</p> <p>16 the TASER, again, that's just your perception?</p> <p>17 A. Correct.</p> <p>18 Q. How tall is Ken Lopera, do you know, would</p> <p>19 you estimate?</p> <p>20 Is he taller than you?</p> <p>21 A. No. Maybe about the same.</p> <p>22 Q. Okay. How tall are you?</p> <p>23 A. I'm 5-11.</p> <p>24 Q. And your partner was about the same</p> <p>25 height?</p>	<p>1 controlled substance, it turns out he was right,</p> <p>2 correct?</p> <p>3 MR. LAGOMARSINO: Objection, vague as to</p> <p>4 controlled substance.</p> <p>5 BY MR. McNUTT:</p> <p>6 Q. Correct?</p> <p>7 A. Correct.</p> <p>8 Q. Do you have any understanding that Tashii</p> <p>9 Farmer was on illegal methamphetamines?</p> <p>10 A. I do understand that now.</p> <p>11 MR. McNUTT: Okay. I have no further</p> <p>12 questions.</p> <p>13</p> <p>14 FURTHER EXAMINATION</p> <p>15 BY MR. LAGOMARSINO:</p> <p>16 Q. All right, just a couple follow-ups.</p> <p>17 You were asked the question earlier would</p> <p>18 you intervene to stop Ken Lopera from running after</p> <p>19 Tashii.</p> <p>20 Do you remember that generally?</p> <p>21 A. Yes.</p> <p>22 Q. If you saw Ken Lopera placing Tashii in an</p> <p>23 LVNR for over a minute or even over 30 seconds and</p> <p>24 Tashii wasn't moving, would you intervene to stop</p> <p>25 that?</p>

All-American Court Reporters (702) 240-4393

www.aacrly.com

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

42 (Pages 162 to 165)

Page 162	Page 164
<p>1 A. Yes.</p> <p>2 MR. McNUTT: Objection, form --</p> <p>3 MR. ANDERSON: Objection.</p> <p>4 MR. McNUTT: -- assumes facts not in</p> <p>5 evidence.</p> <p>6 MR. ANDERSON: Join.</p> <p>7 BY MR. LAGOMARSINO:</p> <p>8 Q. Does tasing cause people to move?</p> <p>9 A. After the cycle, it can, but for that five</p> <p>10 seconds, it's -- if there's a complete circuit to get</p> <p>11 neuromuscular incapacitation, then they don't move.</p> <p>12 Q. Does tasing people to have distorted</p> <p>13 perception?</p> <p>14 MR. McNUTT: Objection, form, vague.</p> <p>15 MR. LAGOMARSINO: Let me rephrase.</p> <p>16 BY MR. LAGOMARSINO:</p> <p>17 Q. Does tasing hurt?</p> <p>18 A. I believe --</p> <p>19 MR. McNUTT: Objection, form.</p> <p>20 THE WITNESS: Thankfully, I've never been</p> <p>21 tased.</p> <p>22 BY MR. LAGOMARSINO:</p> <p>23 Q. Have you been trained that tasing causes</p> <p>24 pain to its subjects?</p> <p>25 A. Yes.</p>	<p>1 THE REPORTER: Mr. McNutt, did you need a</p> <p>2 copy of the transcript?</p> <p>3 MR. McNUTT: I do.</p> <p>4 MR. ANDERSON: I do.</p> <p>5 MR. McNUTT: PDF, please.</p> <p>6 MR. ANDERSON: Yes, I will also take one.</p> <p>7 (The deposition was concluded at</p> <p>8 1:49 p.m.)</p> <p>9</p> <p>10 * * * * *</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 163	Page 165
<p>1 Q. Is it unusual for someone to try to remove</p> <p>2 prongs from them when they've been tased?</p> <p>3 A. I've only seen it happen in a controlled</p> <p>4 environment.</p> <p>5 Q. Have you had any training, additional</p> <p>6 training, as a result of this incident, either</p> <p>7 department wide?</p> <p>8 A. Use-of-force model has changed. You no</p> <p>9 longer can use the LVNR in lower levels of force.</p> <p>10 I don't recall anything specific that had</p> <p>11 been put out for me.</p> <p>12 I've made it more of a point to read</p> <p>13 policy.</p> <p>14 MR. LAGOMARSINO: Okay. All right. No</p> <p>15 further questions. Thank you.</p> <p>16 MR. McNUTT: No further questions.</p> <p>17 MR. ANDERSON: I have nothing.</p> <p>18 THE VIDEOGRAPHER: This concludes the video</p> <p>19 deposition of Ashley Lif.</p> <p>20 The original media of today's testimony</p> <p>21 will remain in the custody of Las Vegas Legal Video.</p> <p>22 The time is approximately 1:48 p.m. We are</p> <p>23 going off the record.</p> <p>24 (The following occurred off the</p> <p>25 video record.)</p>	<p>1 CERTIFICATE OF DEPONENT</p> <p>2 PAGE LINE CHANGE REASON</p> <p>3 _____</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 I, OFFICER ASHLEY LIF, deponent herein, do</p> <p>19 hereby certify and declare the within and foregoing</p> <p>20 transcription to be my deposition in said action;</p> <p>21 that I have read, corrected and do hereby affix my</p> <p>22 signature to said deposition.</p> <p>23 _____</p> <p>24 OFFICER ASHLEY LIF</p> <p>25</p>

All-American Court Reporters (702) 240-4393

www.aacrly.com

Officer Ashley Lif ~ April 4, 2019

\* \* \* Videotaped Deposition \* \* \*

Page 166

1 CERTIFICATE OF REPORTER

2 I, Cynthia K. DuRivage, a Certified Court  
3 Reporter of the State of Nevada, do hereby certify:

4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth;  
6 that any witnesses in the foregoing proceedings,  
7 prior to testifying, were duly sworn; that a record  
8 of the proceedings was made by me using machine  
9 shorthand which was thereafter transcribed under my  
10 direction; that the foregoing transcript is a true  
11 record of the testimony given.

12 I further certify I am neither financially  
13 interested in the action nor a relative or employee  
14 of any attorney or party to this action.


15 IN WITNESS WHEREOF, I have this date  
16 subscribed my name.

17 Dated: April 15, 2019

18

19

20

  
\_\_\_\_\_  
CYNTHIA K. DURIVAGE  
CCR No. 451

21

22

23

24

25